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Environmental Protection Commission

March 16, 1998

10:00 AM

Wallace State Office Building, Fourth Floor Conference Room

Public Participation

10:30 A.M.

APPOINTMENT: Farmers Hybrid referral (Item #19a)

1:00 P.M.

Agenda topics

1. Approve Agenda
2. Approve Minutes of February 16, 1998
3. Director's Report Larry Wilson (Information)
4. Monthly Financial Status Report Stan Kuhn (Information)
5. Landfill Alternatives Financial Assistance Program Contract Approval Roya Stanley (**Decision**)
6. Bremer County Sanitary Landfill Regional Collection Center Grant Contract Roya Stanley (**Decision**)
7. Monthly Reports Allan Stokes (Information)
8. Termination of Rulemaking--Chapters 100, 102, 103, 108 & 110, Solid Waste Allan Stokes (**Decision**)
9. Air Quality Bureau Budget - SFY 1999 Allan Stokes (Information)
10. Interagency Agreement - Linn County Air Pollution Control Program Allan Stokes (**Decision**)
11. Interagency Agreement - Polk County Air Pollution Control Program Allan Stokes (**Decision**)
12. Notice of Intended Action--Chapters 22, 23 & 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors Allan Stokes (**Decision**)
13. Final Rule--Chapters 20, 22, 23, 24, 25, 28, 29 & 31, Air Quality Rules Update Allan Stokes (**Decision**)

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|-----|---|----------------------------|
| 14. | Nonpoint Source Pollution Control Project Contract - ADW User Assistance | Allan Stokes (Decision) |
| 15. | State Revolving Fund - Intended Use Plan (Drinking Water) 1997-98 | Allan Stokes (Information) |
| 16. | State Revolving Fund - Intended Use Plan (Wastewater) 1998 | Allan Stokes (Decision) |
| 17. | Final Rule--Chapters 49, 60, 64 & 69, Nonpublic Water Well Construction and Private Sewer System Construction Standards | Allan Stokes (Decision) |
| 18. | Proposed Contested Case Decision--Sale-R-Villa Construction | Allan Stokes (Decision) |
| 19. | Referrals to the Attorney General
a) Farmers Hybrid Companies, Inc. (Poweshiek Co.) | Allan Stokes (Decision) |
| 20. | Legislation Report | Don Paulin (Information) |
| 21. | General Discussion | |
| 22. | Address Items for Next Meeting | |

Next Meeting Dates	April 20, 1998
	May 18, 1998
	June 15, 1998

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 16, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Joe Robertson	Marshall Co Solid Waste	Marshalltown
Karen Nachtman	IAMU	Ankeny
Cathy Woollums	MidAmerican Energy Co.	Davenport
DAN VEST	GROWMARK, INC.	Bloomington, IL
Eleanor Hendergon	IPED	DSM
Michael Berkshire	BLUESTEM SWA	Cedar Rapids
Marilyn Hallerman		Carlisle, IA
Edee Bruma		Normal, Ia
Mike Volrath	Volrath Sales	O.M.
Mary Neubauer	AP	A.M.
Chris Gault	Iowa Farm Bureau	UDSM
Teri Schlutz	Farmer	Letts
BETH SHORTS	MWA	DM
Rick Kelley	UHL	DM
Jim Wivelin	Carroll Co Solid Waste	Carroll
Linda King	IDET	DSM

ENVIRONMENTAL PROTECTION COMMISSION

Monday, March 16, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Hal Norton	Des Moines Co. Reg'l Solid Waste Comm	Burlington
Doyle Nash Nashville	Mt.	
Jean Nash " " "	Mt.	
William F Mahler	Summit Club	DM.
Perry Beeman	DM Register	DM.
Jason Hayward	Corp Rapid Hazetto	DM/Corp Rapid
Chris V. Anderson	FARMERS HYBRID	Des Moines
James	Dunwoody	ex la

RECORD COPY EPC Meeting
File Name ADM-1-1-1
Scribers Initials JS March 1998

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MARCH 16, 1998

WALLACE STATE OFFICE BUILDING
DES MOINES, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 10:00 a.m. on Monday, March 16, 1998, in the Wallace State Office Building, Des Moines, Iowa.

MEMBERS PRESENT

William Ehm, Chair
Randal Giannetto
Rozanne King
Dean McWilliams
Charlotte Mohr, Secretary
Kathryn Murphy
Gary Priebe
Terrance Townsend, Vice-Chair
Rita Venner

ADOPTION OF AGENDA

Motion was made by Charlotte Mohr to approve the agenda as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Dean McWilliams to approve the meeting minutes of February 16, 1998, as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Larry Wilson, Director, presented Gary Priebe a 15-year Service Certificate and expressed appreciation for his service.. He distributed an Iowa Ethics and Campaign Disclosure Form to each Commissioner to fill out and return to IECDF by April 1. Director Wilson asked Charlotte Mohr to report on an upcoming meeting of the Mississippi River Parkway Commission.

Charlotte Mohr distributed hand-outs regarding the upcoming Mississippi River Parkway Commission Ag-Partners Conference on April 3, 1998. She related the MRPC is inviting legislators and key people interested in the issues covering locks and dams on the Mississippi River, and wetlands. The conference is to be held at the Putnam Museum in Davenport, starting at 9:30 a.m. and ending at 1:00 p.m.

FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations expenditure report for the YTD period ending 2/28/98.

Budgets for several cost centers within the Energy and Geology bureaus were reduced because the budgeted expenditures will not occur until FY99 or FY2000. Associated funds will be rebudgeted in following fiscal periods.

A significant portion of the Energy and Geology, Environmental Protection and Waste Management Assistance divisions' budgets include special grants and projects. Special grants and projects are dependent primarily on federal funding or contracts with other government units. It is difficult to anticipate what special funding will be available at the time budget requests are prepared. It is common for special funding to be delayed, increased, decreased, or new funding made available; all subsequent to preparation of the DNR's budget request, and after implementation of the initial budget each July.

Thus, it is common for the YTD status reports to show significant variations in actual expenditures for special projects and grants as compared to initial estimates. Special project budget variations tend to mask the true budget picture when budget status is viewed as a total at the bureau or division level. The solution to this dilemma is to (a) segregate special project budgets from the more standard program budgets and (b) to adjust special project budgets to actual anticipated activity whenever it is reasonably possible to do so. The downside to interim adjustments is the analytical and management time required.

The supplemental appropriation awaiting action contains a provision to increase the Law Enforcement spending authority and the Parks budget to compensate for probable SPOC related retirement costs which may occur prior to 6/30/98.

Staff will answer questions regarding this status report at the meeting.

Monthly Operations Budget Status Report

2/28/98

Division	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Director's Office/Info & Ed.	1,815,108	2,019,376	2,044,376	1,274,703	1,144,994	129,709
Administrative Services Div.	5,178,711	5,662,615	5,807,615	3,623,162	3,402,091	221,071

Parks, Rec. & Preserves Div.	9,169,083	9,196,141	9,396,141	5,862,357	6,107,592	(245,235)
Forests & Forestry Division	2,800,131	2,869,497	2,851,497	1,796,206	1,715,896	80,310
Energy & Geological Resources Division	3,957,613	5,067,391	4,569,218	2,847,504	2,308,781	538,723
EPD Division	18,671,708	19,908,815	19,908,815	12,402,534	10,093,789	2,308,745
Total FW Division	19,950,233	20,761,728	20,761,728	13,306,836	13,133,938	172,898
Waste Mngt Assistance Totals	1,260,687	1,781,227	1,781,227	1,085,885	903,836	182,049

Director's Office/ Information & Education

Budget Unit	FY97 Actual	FY98 O/BDGI	FY98 A/BDGI	FY98 YTD A/BDGI	FY98 YTD Actual	Variance Under(Ovr)
Director's Office & Commissions	326,942	266,371	306,371	194,135	208,230	(14,095)
Permit Compliance Team	71,068	191,045	191,045	124,142	105,280	18,862
REAP Program	64,296	14,500	39,500	32,500	35,696	(3,196)
Policy Coordination	38,338	95,555	55,555	35,587	18,153	17,434
Total Director's Office	500,644	567,471	592,471	386,364	367,359	19,005

Information & Education Bureau

I&E General Operations	434,053	435,044	435,044	276,850	273,535	3,315
Conservationist Magazine	334,421	386,552	386,552	216,968	152,729	64,239
Education Center Programs	179,350	192,924	192,924	121,797	110,220	11,577
Aquatic Education	225,247	278,537	278,537	172,350	181,797	(9,447)
Fish and Wildlife Information	31,625	15,458	15,458	9,950	11,953	(2,003)
Energy Information	42,564	72,674	72,674	45,744	29,123	16,621
Groundwater Education	0	23,044	23,044	14,833	0	14,833
319 Planning Information	41,853	39,672	39,672	25,425	938	24,487
Air Quality Title 5 Information	0	0	0	0	14,439	(14,439)
Education Workshops	3,868	8,000	8,000	4,422	0	4,422
Outdoor Learning	10,608	0	0	0	2,835	(2,835)
Project Wild Expansion	5,122	0	0	0	0	0
Hooked on Fishing	5,753	0	0	0	66	(66)
Total I & E Bureau	1,314,464	1,451,905	1,451,905	888,339	777,635	110,704
Total Director's Office/Info & Ed.	1,815,108	2,019,376	2,044,376	1,274,703	1,144,994	129,709

Administrative Services Division

Budget Unit	FY97 Actual	FY98 O/BDGI	FY98 A/BDGI	FY98 YTD A/BDGI	FY98 YTD Actual	Variance Under(Ovr)
Budgets and Grants Bureau	347,840	354,057	354,057	222,113	213,140	8,973
State Central Services & Indirect	100,908	266,458	241,458	95,067	94,030	1,037
Accounting Bureau	780,822	876,116	876,116	535,021	538,921	(3,900)
Administrative Services Bureau	1,375,216	1,499,918	1,499,918	935,076	857,434	77,642
Central Data Processing Bureau	577,241	770,991	770,991	499,594	396,475	103,119
Licensing Bureau	413,410	325,157	355,157	237,018	247,903	(10,885)
Construction Services Bureau	937,921	908,384	1,048,384	673,776	637,319	36,457
CSB-Park Road Design	75,096	55,212	55,212	35,540	46,238	(10,698)
Land Acquisition & Mngt Bureau	466,013	494,170	494,170	317,658	303,634	14,024
Division Mngt & Misc.	104,244	112,152	112,152	72,300	66,997	5,303
Special Training & Technology	50,307	0	0	0	0	0
Total Administrative Services Div.	5,178,711	5,662,615	5,807,615	3,623,162	3,402,091	221,071

Parks, Recreation and Preserves Division

Budget Unit	FY97 Actual	FY98 O/BDGI	FY98 A/BDGI	FY98 YTD A/BDGI	FY98 YTD Actual	Variance Under(Ovr)
Parks Field Management	279,179	206,405	218,405	138,209	168,160	(29,951)
NW District Parks Operations	1,887,414	1,944,884	1,991,884	1,240,396	1,332,616	(92,220)
NE District Parks Operations	1,895,053	1,843,567	1,890,567	1,178,310	1,189,640	(11,330)
SE District Parks Operations	2,188,662	2,176,025	2,223,025	1,383,139	1,431,916	(48,777)

SW District Parks Operations	1,949,955	1,963,125	2,010,125	1,252,604	1,348,707	(96,103)
Parks & Preserves Programs & Mngt	634,057	672,777	672,777	427,775	415,659	12,116
Endangered Species Grants	0	11,259	11,259	6,192	0	6,192
Preserves Grants	0	19,311	19,311	10,621	0	10,621
DED Parks Grants	24,411	27,167	27,167	17,393	27,952	(10,559)
Trail Development Grants	46,613	44,850	44,850	27,051	25,161	1,890
Cedar Rock	142,227	138,098	138,098	85,728	92,678	(6,950)
Division Management & Misc.	121,094	118,673	118,673	77,120	72,878	4,242
SRF Loan Repayment	418	30,000	30,000	17,820	2,225	15,595
Total Parks, Rec. & Preserves Div.	9,169,083	9,196,141	9,396,141	5,862,357	6,107,592	(245,235)

Note: There is a supplemental FY98 appropriation bill pending which would fund the officer retirement. Should the bill pass, approximately \$100,000 will be available to fund retirements which have already occurred, reducing the YTD budget shortfall.

Forests & Forestry Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Forest Nursery Production	520,144	560,071	530,071	326,925	307,258	19,667
Forest Nursery Services	94,849	96,444	96,444	60,587	56,455	4,132
Shimek Forest	211,443	235,266	235,266	149,629	126,472	23,157
Stephens Forest	164,483	188,023	190,023	121,490	110,434	11,056
Yellow River Forest	256,914	243,229	245,229	156,610	154,142	2,468
Loess Hills Forest	173,708	159,082	161,082	102,431	104,649	(2,218)
Nursery & Forests Management	133,151	140,954	142,954	90,004	94,751	(4,747)
Farm Forestry Services	757,125	797,161	801,161	505,870	488,637	17,233
Trees For Kids Video	7,778	0	0	0	0	0
Trees For Kids Project	40,352	30,000	30,000	17,820	1,393	16,427
Forestry Services Management	303,576	301,841	301,841	189,705	197,212	(7,507)
Division Management	116,230	117,426	117,426	75,134	74,493	641
Training & Technology	20,378	0	0	0	0	0
Total Forests & Forestry Division	2,800,131	2,869,497	2,851,497	1,796,206	1,715,896	80,310

Energy & Geological Resources Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Energy Bureau:						
Alternative Fuels	8,263	0	0	0	0	0
Biomass	53,425	89,807	89,807	56,503	57,321	(818)
SIFIC A	66,372	88,791	88,791	54,866	28,540	26,326
SIFIC B	89,377	67,296	67,296	43,203	51,128	(7,925)
SIFIC Innovation Project	91,505	101,250	101,250	65,013	64,062	951
ICP- Administration	10,320	0	0	0	0	0
ICP - Marketing	117,177	0	0	0	0	0
ICP - Programming	51,489	0	0	0	0	0
State Energy Program	440,763	648,766	648,766	416,480	364,150	52,330
Soya Diesel	17,118	106,369	46,369	27,356	9,929	17,427
Building Code, Energy	100,654	10,000	10,000	5,500	0	5,500
E-85 Promotion	20,001	0	0	0	0	0
Heating Oil & Propane Program	19,118	18,944	18,944	11,588	9,488	2,100
Energy Advancement	103,886	27,119	27,119	17,356	19,628	(2,272)
Greenhouse Gas	4,566	23,402	23,402	12,871	0	12,871
Greenhouse Gas #3	0	75,000	5,000	2,750	0	2,750
Federal Energy Bank	70	74,419	74,419	58,299	59,388	(1,089)
Great Lakes Ethanol Grant	72,097	0	0	0	0	0
Energy/Education Study	0	50,000	50,000	27,500	6,298	21,202
Ethanol Seminar, Council of Gov's.	3,801	21,891	21,891	12,400	21,867	(9,467)
Oil Overcharge - 3 Admin	194,807	297,839	297,839	187,425	124,285	63,140
EPA Risk Assessment Project	45,903	61,859	61,859	34,324	24,813	9,511
Rebuild Iowa	114,617	155,129	155,129	86,682	69,422	17,260
SEP Energy Code	0	0	0	0	2,335	(2,335)

Environmental Protection Commission Minutes

March 1998

Federal Energy Mngt Program	13,859	50,000	50,000	27,500	26,144	1,356
Commercial Wind Energy	0	230,000	60,000	35,000	33,527	1,473
Wind Assessment	3,767	4,072	4,072	2,449	1,343	1,106
SEP Climate Wise	0	50,000	50,000	27,500	20,000	7,500
Ethanol Market Research	40,691	92,970	92,970	51,134	53,280	(2,147)
Total Energy Bureau	1,683,646	2,344,923	2,044,923	1,263,699	1,046,948	216,751

Note: The following cost center budgets have been reduced because funds originally budgeted will not be expended this fiscal year. In all cases, the funds will be rebudgeted for expenditure in FY99 and FY2000.

<u>Cost Center</u>	<u>Reduction</u>
Soya Diesel	\$ 60,000
Greenhouse Gas #3	\$ 70,000
Commercial Wind Energy	\$170,000

Energy & Geological Resources Division

Bureau Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Geology Bureau:						
Camp Dodge GIS Support	0	24,006	0	0	0	0
Big Springs Modeling	1,658	0	0	0	0	0
Camp Dodge Wetland	17,501	11,450	11,450	6,682	2,138	4,544
Camp Dodge Mapping	27,490	55,967	15,000	9,896	6,347	3,549
Floyd Cty ADW Project	23,876	23,272	23,272	14,072	2,619	11,453
Wright Cty ADW Project	0	6,200	0	0	0	0
Wright Cty Water Quality	0	27,000	0	0	0	0
Geology/Mineral Resources	375,633	371,462	371,462	238,062	238,029	33
Digital Mapping	54,314	100,403	100,403	61,848	60,090	1,758
Wright Cty Monitoring	0	27,683	27,683	17,088	0	17,088
Hydrology/Environment	445,263	488,206	488,206	314,146	286,118	28,028
State Mapping	56,018	22,973	22,973	14,030	18,631	(4,601)
Pesticide Mngt Project	26,391	41,464	41,464	26,319	7,831	18,488
Geology Information	227,751	238,673	238,673	154,292	146,784	7,508
Big Springs Project	80,138	12,269	12,269	7,745	21,053	(13,308)
Geographical Info System	159,246	221,247	221,247	143,049	79,875	63,174
319 Planning - 91	32,461	42,465	42,465	25,977	12,845	13,132
Wellhead #2	12,284	0	0	0	0	0
319 Planning - 93	118,950	215,546	115,546	70,200	59,105	11,095
Walnut Creek Restoration	82,396	210,490	210,490	120,281	61,240	59,041
Wellhead Protection, EPA	19,421	86,811	86,811	54,311	19,840	34,471
USGS Coop. Agreement	158,641	156,154	156,154	85,885	76,985	8,900
Geology Bureau Mngt	250,772	239,667	239,667	156,491	100,983	55,508
Total Geology Bureau	2,170,204	2,623,408	2,425,235	1,520,373	1,200,513	319,860
Special Technology Initiative	11,802	0	0	0	0	
Energy & Geological Div Mngt	91,961	99,060	99,060	63,432	61,320	2,112
Total Energy & Geological Resources Division	3,957,613	5,067,391	4,569,218	2,847,504	2,308,781	538,723

Note: Budgets for the following Geology cost centers have been reduced because currently budgeted funds will not be expended prior to 6/30/98. In all cases, the funds will be rebudgeted in the following fiscal year.

<u>Cost Center</u>	<u>Amount</u>
Camp Dodge GIS Support	\$ 24,006
Camp Dodge Mapping	\$ 40,967
Wright County ADW Project	\$ 6,200
Wright County Water Quality Project	\$ 27,000
FY93 319 Planning Grant	\$100,000

Environmental Protection Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Water Quality Bureau:						
Wastewater (NPDES) Mngt	604,082	700,467	700,467	442,252	387,663	54,589
Non-Point Pollution Conference	8,000	0	0	0	0	0
Storm Water Permitting	148,935	216,986	216,986	139,303	101,949	37,354
Livestock Permits (C. Office)	269,889	226,667	226,667	145,700	177,265	(31,565)
Construction Grants Mngt	12,196	0	0	0	0	0
State Revolving Grant Mngt	242,419	402,537	402,537	259,250	168,848	90,402
GW County Grants Mngt	67,941	59,210	59,210	36,784	35,915	869
Iowa River Project	7,011	0	0	0	0	0
Water Monitoring Workshop	0	2,900	2,900	1,681	1,812	(131)
604B Water Planning	150,421	162,264	162,264	104,058	113,455	(9,397)
Floodplain Regulation & Mngt	296,866	309,073	309,073	198,512	195,072	3,440
319 Water Planning-90	19,968	0	0	0	0	0
319 Water Planning-91	64,972	55,000	55,000	35,044	25,109	9,935
319 Water Planning-92	97,163	80,000	80,000	44,000	54,076	(10,076)
319 Water Planning-93	136,236	175,000	175,000	96,250	59,950	36,300
319 Water Planning-94	381,140	250,000	250,000	137,500	157,044	(19,544)
319 Water Planning-95	520,493	540,064	540,064	322,018	295,398	26,620
319 Water Planning-96	81,698	101,201	101,201	55,734	225,183	(169,449)
319 Water Planning-97	0	50,000	50,000	27,500	57,028	(29,528)
Water Supply Regulation	867,561	1,334,817	1,334,817	832,696	509,475	323,221
Water Rights Administration	124,949	131,410	131,410	83,881	85,697	(1,816)
Operator Certification Support	14,273	98,589	98,589	55,576	26,160	29,416
Well Contractor Permits	23,140	42,310	42,310	27,494	20,389	7,105
Animal Study	17,222	0	0	0	0	0
Water Supply-93 Flood	407,004	50,000	50,000	27,500	12,000	15,500
Wastewater-93 Flood	102,657	0	0	0	0	0
Waste Allocation, Watersheds	65,399	0	0	0	0	0
Lab Certification	92,983	156,500	156,500	86,582	75,209	11,373
Stream Watershed Assessment	21,887	30,750	30,750	16,990	24,939	(7,950)
Coliform Study	36,878	0	0	0	0	0
Total Water Quality	4,883,383	5,175,745	5,175,745	3,176,305	2,809,636	366,669

Environmental Protection Division(Continued)

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Air Quality Bureau:						
Air Quality Regulation & Planning	1,320,174	1,868,931	1,868,931	1,163,951	1,013,635	150,316
Title V, Permitting, Enforcement	5,518,591	4,729,996	4,729,996	2,892,616	1,963,837	928,779
Total Air Quality Bureau	6,838,765	6,598,927	6,598,927	4,056,567	2,977,472	1,079,095
Land Quality Bureau:						
Waste Management	514,322	634,806	634,806	401,832	348,461	53,371
Solid Waste Authorization	48,066	61,983	61,983	39,693	34,046	5,647
GW Professional Registration	26,157	60,993	60,993	36,074	14,212	21,862
UST	214,249	315,756	315,756	201,935	152,487	49,448
LUST Cleanup	588,873	786,139	786,139	503,526	351,420	152,106
Hazardous Waste Sitting	100,542	208,428	208,428	128,740	51,912	76,828
Remedial Activity	14,770	70,221	70,221	44,933	18,603	26,330
AIDEX Monitoring	5,252	6,600	6,600	3,838	0	3,838
Superfund Program Management	172,371	174,045	174,045	112,487	112,417	70
Multisite, Investigation & Assess.	93,484	55,553	55,553	34,721	81,769	(47,048)
General Motors Site Mngt	2,518	49,834	49,834	32,449	15,170	17,279
Waste Tire Permitting	5,798	1,000	1,000	644	314	330
Emergency Response	203,460	210,899	210,899	135,985	118,893	17,092
BrownFields Task Force	104	25,000	25,000	14,850	563	14,287
BrownFields Development	0	228,208	228,208	134,765	37,050	97,715
LUST Flood Support	305,374	100,000	100,000	55,000	0	55,000

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Total Land Quality Bureau	2,295,340	2,989,465	2,989,465	1,881,473	1,337,317	544,156
Legal & Compliance Bureau:						
LUST Cleanup	517,261	529,073	529,073	342,340	347,568	(5,228)
Air Quality-Field Const. & Mngt	0	163,792	163,792	105,151	76,413	28,738
Air Quality-Field Title 5	556,551	474,201	474,201	304,631	238,080	66,551
Wastewater-Field	1,265,477	1,456,572	1,456,572	916,906	832,560	84,346
Water Supply-Field	604,045	646,810	646,810	415,940	385,972	29,968
Waste Mngt-Groundwater	652,276	709,167	709,167	460,500	398,359	62,141
GW(106), Investigations, Surveys	128,665	0	0	0	0	0
Water Supply Technical Asst.	142,676	203,347	203,347	133,964	96,643	37,321
Livestock-Field	200,428	315,200	315,200	204,898	189,685	15,213
Legal/Compliance Mngt	414,960	451,493	451,493	279,689	276,915	2,774
Total Legal & Compliance Bureau:	4,482,339	4,949,655	4,949,655	3,164,019	2,842,195	321,824
EPD Division Mngt & Misc	171,881	195,023	195,023	124,170	127,169	(2,999)
Totals, EPD Division	18,671,708	19,908,815	19,908,815	12,402,534	10,093,789	2,308,745

Fish and Wildlife Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Law Enforcement:						
NW Enforcement District	952,484	890,300	890,300	571,495	572,942	(1,447)
NW Enf. Boating Safety	0	24,632	24,632	14,940	19,802	(4,862)
NE Enforcement District	1,171,406	1,115,566	1,115,566	715,913	719,915	(4,002)
NE Enf. Boating Safety	0	16,500	16,500	10,625	11,359	(734)
SW Enforcement District	772,248	759,342	759,342	487,145	557,712	(70,567)
SW Enf. Boating Safety	0	36,800	36,800	27,730	22,442	5,288
SE Enforcement District	1,016,352	990,455	1,039,535	685,106	664,510	20,596
SE Enf. Boating Safety	0	18,500	18,500	10,989	7,195	3,794
NC Enforcement District	876,134	811,247	862,167	571,450	595,331	(23,881)
NC Enf. Boating Safety	0	27,001	27,001	17,646	10,756	6,890
SC Enforcement District	954,003	922,892	922,892	592,409	528,034	64,375
SC Enf. Boating Safety	0	27,370	27,370	18,421	150,264	(131,843)
Hunter Safety	391,814	358,749	358,749	224,019	257,958	(33,939)
Boating Safety	50,421	358,858	358,858	228,842	162,771	66,071
Snowmobile Safety	34,321	66,742	66,742	42,655	43,777	(1,122)
Big Creek Range Maint.	7,608	7,000	7,000	4,222	3,734	488
Cons. Law Bureau Mngt	508,464	448,401	348,401	221,553	164,400	57,153
Total Law Enforcement	6,735,255	6,880,355	6,880,355	4,445,159	4,492,902	(47,743)

Note: The supplemental appropriation bill pending in the G.A. would authorize an increase in the FW operations authorization for SPOC sick leave payout upon retirement. Expenditures to date reflect one payout of \$50,000 in addition to that originally budgeted. If the supplemental appropriation bill passes, the FW Enforcement budget can be increased for probable retirements exceeding the original two retirements budgeted. The budget overage in SC Enf. Boating Safety is the result of time adjustments for boating safety in the entire bureau. The entire time adjustment as charged to one cost center as a convenience, instead of pro-rating it across the bureau.

Fish and Wildlife Division(Continued)

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Fisheries:						
Hatcheries:						
Big Springs Fish Hatchery	210,092	224,012	224,012	140,556	134,551	6,005
Decorah Fish Hatchery	264,824	259,025	259,025	162,690	160,953	1,737
Fairport Fish Hatchery	175,826	161,636	161,636	102,145	101,436	709
Manchester Fish Hatchery	245,034	259,334	259,334	163,352	156,708	6,644
Rathbun Fish Hatchery	529,805	508,707	508,707	323,118	298,130	24,988
Spirit Lake Fish Hatchery	375,265	373,893	373,893	236,252	212,133	24,119

Total Hatcheries	1,800,846	1,786,607	1,786,607	1,128,113	1,063,911	64,202
Fisheries Management:						
NW District	573,882	624,889	624,889	402,066	377,788	24,278
NE District	627,250	646,835	646,835	416,656	415,226	1,430
SW District	472,316	500,525	500,525	323,786	319,795	3,991
SE District	526,105	547,152	547,152	354,978	347,779	7,199
Total Fisheries Management	2,199,553	2,319,401	2,319,401	1,497,486	1,460,588	36,898
Fisheries Research:						
Mississippi Monitoring	293,663	340,224	340,224	218,761	207,826	10,935
Aquatic Education Project	117,742	98,576	98,576	63,410	88,079	(24,669)
Milfoil Project	91,159	100,454	100,454	60,065	54,738	5,327
Bellevue Fisheries Research	165,970	176,243	176,243	113,598	111,333	2,265
Walleye Fingerling Project	5,000	0	0	0	0	0
Chariton Fisheries Research	260,256	261,182	261,182	170,043	180,539	(10,496)
Cold Springs Fisheries Research	127,595	125,568	125,568	80,985	82,897	(1,912)
Bozeman Project	5,781	5,000	5,000	2,750	0	2,750
Manchester Fisheries Research	120,913	128,448	128,448	83,677	74,230	9,447
Fish Production Drug Study	20,000	20,000	20,000	20,000	20,000	0
Rathbun Fisheries Research	145,374	167,375	167,375	105,896	88,234	17,662
Spirit Lake Fisheries Research	142,685	138,252	138,252	88,265	88,455	(190)
MARIS Study	0	10,000	10,000	5,940	0	5,940
Total Fisheries Research	1,496,138	1,571,322	1,571,322	1,013,391	996,331	17,060
Fisheries Bureau Mngt	462,734	522,887	522,887	316,922	317,582	(660)
Total Fisheries Bureau	5,959,271	6,200,217	6,200,217	3,955,912	3,838,412	117,500

Fish and Wildlife Division(Continued)

Budget Units	FY97 Actual	FY98 O/BDGI	FY98 A/BDGI	FY98 YTD A/BDGI	FY98 YTD Actual	Variance Under(Ovr)
Wildlife Bureau:						
Wildlife Area Maint. & Mngt:						
NW District Operations	1,064,883	1,073,625	1,073,625	690,347	704,718	(14,371)
NE District Operations	997,595	981,479	981,479	632,257	627,509	4,748
SW District Operations	1,022,495	1,022,862	1,022,862	657,678	653,337	4,341
SE District Operations	1,138,702	1,206,422	1,206,422	776,371	768,405	7,966
Wetlands Project Support	24,845	31,872	31,872	20,542	14,884	5,658
Wildlife Area Maint. & Mngt	4,248,520	4,316,260	4,316,260	2,777,195	2,768,853	8,342
Corps WMA Areas, Cond. 5:						
Saylorville Cond 5 WMA	53,064	35,444	35,444	23,149	32,799	(9,650)
DM River Cond 5 WMA	7,661	12,500	12,500	9,082	13,634	(4,552)
Missouri River Cond 5 WMA	0	4,000	4,000	2,376	0	2,376
Red Rock Cond 5 WMA	123,617	161,115	161,115	100,570	71,388	29,182
Coralville Cond 5 WMA	34,526	49,344	49,344	32,024	27,111	4,913
Rathbun Cond 5 WMA	31,576	28,994	28,994	18,669	25,752	(7,083)
Total Corps WMA Mngt	250,444	291,397	291,397	185,871	170,684	15,187
Total WMA Maint. & Mngt	4,498,964	4,607,657	4,607,657	2,963,066	2,939,537	23,529
Wildlife Research:						
Boone Research, State	133,860	189,912	189,912	122,508	101,049	21,459
Boone Research, Federal	107,132	130,043	130,043	82,941	59,096	23,845
Chariton Research, State	87,705	75,943	75,943	49,270	38,615	10,655
Chariton Research, Federal	142,046	152,566	152,566	98,116	84,966	13,150
Clear Lake Research, Federal	139,564	139,840	139,840	90,044	104,308	(14,264)
Neotropical Migrant	13,017	0	0	0	0	0
Clear Lake Research, State	98,941	81,749	81,749	53,330	36,566	16,764
Wildlife Diversity Project	201,777	249,505	249,505	158,780	142,999	15,781
Harvest Information Program Grant	0	0	0	0	1,250	(1,250)
Total Wildlife Research	924,042	1,019,558	1,019,558	654,988	568,849	86,139
Wildlife Depredation Mngt	0	172,466	172,466	114,870	60,183	54,687
Wildlife Bureau Mngt & Misc	1,476,832	1,405,378	1,405,378	885,178	982,591	(97,413)
Total Wildlife Bureau	6,899,838	7,205,059	7,205,059	4,618,102	4,551,160	66,942
FW Division Mngt & Misc	355,869	476,097	476,097	287,662	251,464	36,198
Total FW Division	19,950,233	20,761,728	20,761,728	13,306,836	13,133,938	172,898

Waste Management Assistance Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Buy Recycled Business Alliance	0	1,500	1,500	891	0	891
Planning & Grants	138,409	225,863	225,863	135,001	121,556	13,445
Landfill Alternatives	117,871	159,941	159,941	99,411	74,198	25,213
Composting Workshop	13,000	0	0	0	0	0
Waste Mngt Publications	4,240	0	0	0	0	0
Waste Tires Program	38,449	50,188	50,188	31,897	29,324	2,573
Waste Recycling	143,092	252,386	252,386	156,370	163,726	(7,356)
Household Hazardous Waste Adm	224,322	345,299	345,299	206,367	135,018	71,349
Waste Reduction Assistance	98,623	141,870	141,870	89,800	77,820	11,980
WRAP Team	78,063	0	0	0	0	0
Pollution Prevention (WRAP)	47,414	294,192	294,192	173,343	130,911	42,432
Waste Reduction Program	139,848	30,653	30,653	17,865	7,232	10,633
Solid Waste Reduction Grant	2,553	0	0	0	526	(526)
Sustainable Conference	0	35,000	35,000	19,470	24,000	(4,530)
WMA Division Mngt	214,803	244,335	244,335	155,471	139,525	15,946
Waste Mngt Assistance Totals	1,260,687	1,781,227	1,781,227	1,085,885	903,836	182,049

Mr. Kuhn reviewed details of the division budgets.

Brief discussion followed regarding overbudget on livestock permitting in EPD and additional people to handle permitting.

INFORMATIONAL ONLY

LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM CONTRACT APPROVAL

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received twenty-seven (27) applications requesting nearly \$5.8 million in financial assistance for consideration during the December 1997 round of awards. Twelve (12) applications were selected to receive \$1,497,781 in grants and zero interest loans. Of the selected projects, eight (8) are awarded grants, three (3) are awarded loans and one (1) is awarded a combination grant and loan. Ten (10) contracts are presented as attachments for Commission approval.

The following provides a brief description of the selected projects.

Applicant: Iowa Recycling Association 3 East Benton Iowa City, Iowa 52240

Title: Executive Director Position

Contact: Andy Ockenfels - (319) 351-2848

Award: \$193,597 -- Grant

Project Type: Education

Description: The applicant is seeking assistance to cost share funding a new position to coordinate statewide recycling education activities over a three year period. Specific activities include identification and assessment of recycling education and market development needs of Iowa's education coordinators, develop and promote a statewide coordinated message on waste reduction and recycling, identify existing recycling education resources, best management practices and provide updates of these resources on the IRA website, provide workshops for recycling education coordinators and teachers to utilize the website, on best management practices and recycling market development concepts to enhance local programs and other activities to benefit recycling education statewide.

Grant assistance is offered for wages, travel, printing/postage, conference registration and exhibitor fees.

The applicant has not received previous financial assistance through this program.

Applicant: Iowa Valley Community College
3702 South Center Street
Marshalltown, Iowa 50158

Title: Multi-County Education
Coordinator

Contact: Bettie Bolar - (515) 752-4645

Award: \$84,008 -- Grant

Project Type: Education

Description: The applicant is seeking assistance to cost share a waste reduction and recycling education coordinator position serving Marshall and Hardin Counties over a two year period. The education coordinator is responsible for providing a variety of educational activities/programs to help people better understand the need to reduce and recycle solid waste. Education activities/programs will target both urban and rural single family and multiple family households, schools, business and industry. The education coordinator will network with other education coordinators across the state and design local programs compatible with a variety of existing state wide programs, such as the Iowa Waste Exchange Program and Waste Reduction Assistance Program, to meet the needs of business and industry.

Grant assistance is offered for wages, printing, postage, travel, and supplies. The applicant received a \$78,968 grant in 1995 to establish the recycling director position.

Applicant:	Bi-State Regional Comprehensive Solid Waste Management Planning Region 1504 Third Avenue Rock Island, IL 61204	Title:	Waste Management Public Awareness
Award:	\$78,930 -- Grant	Contact:	Gena McCullough - (309) 793-6300
Project Type:	Education		
Description:	<p>The applicant is proposing a region-wide public awareness campaign covering such issues as illegal dumping, composting, waste reduction, recycling and household hazardous waste. Providing a coordinated education message throughout the planning area will increase awareness and participation in existing programs. The project will use printed, electronic and other forms of communication to convey a unified message of waste reduction, recycling, backyard composting and other solid waste management methods throughout six Iowa counties in the eight county planning area.</p> <p>Grant funds are offered for education materials, website development and wages.</p> <p>The applicant has not received previous financial assistance through this program.</p>		
Applicant:	Buchanan County Conservation Board 1883 125th Street Hazelton, Iowa 50641	Title:	Recycled Playground Education
Award:	\$ 26,150-- Grant	Contact:	Harry Graves - (319) 636-2617
Project Type:	Education		
Description:	<p>The applicant is proposing to purchase and install two playground areas constructed of recycled content materials. The project will serve as a publicly accessible and permanent "hands on" tools for educating and developing environmental awareness. Playground signage combines waste reduction and recycling themes. Playground use will be incorporated into formal and informal education programs conducted by area schools and through the applicant's ongoing environmental awareness activities. The project will promote "closing the loop" message through demonstration of recycled content end products. The applicant is proposing to use a variety of park use surveys to evaluate effectiveness of this education tool.</p> <p>Grant assistance is offered for recycled content playground equipment purchase and installation. The applicant has not received previous financial assistance through this program.</p>		
Applicant:	Creative Composting Concepts 1811 Park Avenue SE Cedar Rapids, Iowa 52403	Title:	Home Composting Awareness Campaign

Contact: Stacie Johnson - (319) 368-6658

Award: \$46,072 -- Grant

Project Type: Education

Description: Through a public awareness and training campaign, the applicant is proposing to divert household organic waste from Iowa landfills by means of promoting backyard composting. Through the community colleges, backyard composting workshops will be conducted to train individuals who in turn will conduct future workshops. The ISU Extension Office will incorporate the program as part of their Master Gardeners recertification program. The project involves a three phase approach, 1) community composter workshops, 2) subsidize backyard compost bin distributions in selected cities, and 3) conduct follow-up surveys of bin recipients. The project will be implemented in selected cities located in Linn County, Dubuque County and Woodbury County.

Grant funds are offered for education materials, compost bins and follow-up survey.

The applicant has not received previous financial assistance through this program.

Applicant: BES Industrial Service, Inc.
6738 6th Street SW
Cedar Rapids, Iowa 52405

Title: Post-Industrial Plastic Recycling
Contact: Glen Stouwie - (319) 366-7266

Award: \$197,293 -- Loan

Project Type: Recycling

Description: The applicant is proposing to upgrade and expand processing capabilities for post industrial plastics. With the project implemented, the applicant will be able to process up to 2.5 million pounds of plastic waste. Targeted waste plastics include but are not limited to ABS, Polystyrene, PVC, Polycarbonate, plastic film, etc. Processed post industrial plastic waste is marketed nationally.

Loan assistance is offered for equipment, a semi tractor and trailer.

The applicant received a \$283,000 grant in 1992 to establish a post-industrial plastic waste recycling facility.

Applicant:	U.T. Tire Recyclers 2510 Bell Ave. Des Moines, Iowa 50321	Title: Contact:	Scrap Tire Recycling Rob Jahries - (515) 243-3484
Award:	\$ 448,993- Combination \$358,170 - Grant \$90,823 - Loan		
Project Type:	Combination Demonstration and Recycling		
Description:	<p>The applicant is proposing to become Iowa's first crumb rubber producer. Waste tires processed into crumb rubber will be marketed for use in new tire manufacturing and as a raw material in the production of several other rubber products. Current Iowa crumb rubber users must import crumb rubber from non-Iowa sources. The proposed project also involves expanding waste tire processing capabilities to include large off-the-road tires (earth moving tires, tractor tires, heavy equipment tires, etc.). Waste tires are collected statewide and the applicant is a primary outlet for counties collecting waste tires through the Waste Tire Management Program.</p> <p>Grant and loan assistance is offered for the purchase and installation of equipment.</p> <p>The applicant has not received previous assistance through this program.</p>		
Applicant:	Rathbun Area Solid Waste Management Commission 1209 S. 18th Street Centerville, Iowa 52544	Title: Contact:	Recycling Center Expansion Rodger Kaster - (515) 437-7279
Award:	\$141,000 -- Loan		
Project Type:	Recycling		
Description:	<p>The applicant is proposing to improve processing efficiency and worker safety at the existing recycling center. Current conditions are over crowded in the processing area and processed materials require outside storage exposing finished product to the elements prior to marketing. The applicant will construct an addition to the processing facility to accommodate efficient processing and storage. The applicant has experienced a 300% increase in materials received since the original facility was constructed and now receives over 1,200 tons per year. The facility processes materials for Appanoose, Wayne and Monroe Counties.</p> <p>Loan assistance is offered for construction and processing equipment.</p> <p>The applicant has received a \$107,350 grant in 1992 to establish the recycling.</p>		

Applicant:	Landfill of North Iowa 15942 Killdeer Avenue Clear Lake, Iowa 50428	Title:	Wood Waste Recycling
Award:	\$230,000 -- Loan	Contact:	Rob Kraemer - (515) 357-5452
Project Type:	Recycling		
Description:	<p>The applicant is proposing to increase diversion of wood waste by relocating the wood waste processing site nearer to the landfill's active cell. This relocation coupled with a reduced tipping fee for wood waste will facilitate increased diversion. It is projected that the 100 ton per week diversion will increase by 25%. Processed wood waste will be used at the landfill for erosion control and marketed for animal bedding and mulch. The applicant is also investigating the beneficial use of shredded waste wood in hog manure composting through a joint effort with North Iowa Area Community College.</p> <p>Loan assistance is offered for construction of a processing pad, equipment, and engineering costs.</p> <p>The applicant received a \$140,000 grant in 1991 to construct and equip a regional yard waste composting program.</p>		

Applicant:	Elderbridge Agency on Aging 22 North Georgia - Suite 216 Mason City, Iowa 50401	Title:	Reusable Meal Tray Program
Award:	\$34,048 - Grant	Contact:	Jeanne Beatty - (515) 424-0678
Project Type:	Waste Reduction At The Source		
Description:	<p>The applicant is proposing to continue expanding the use of reusable meal containers for congregate site and home delivered meal programs to eleven new meal preparation sites. The applicant service area provides meal programs from 59 meal sites throughout twenty counties in thirteen different planning areas serving 3,100 meals daily. The project involves replacing disposable meal items with reusable meal trays, bowls, etc. This waste reduction project compliments current recycling of cardboard, food cans, glass and other recyclables by the agency at meal preparation sites.</p> <p>Grant funds are offered for the purchase of reusable containers, insulated tray carriers and dishwashers.</p> <p>The applicant received an \$87,354 grant in 1996 to initiate the use of reusable containers in their multi-county nutrition program.</p>		

Applicant:	NorthLand Agency on Aging, Inc. 808 River Street Decorah, Iowa 52101	Title: Reusable Meal Tray Program Contact: Sheri Borcharding - (319) 382-2941
Award:	\$15,266 -- Grant	
Project Type:	Waste Reduction At The Source	
Description:	<p>The applicant provides a nutrition program for elderly persons residing in Allamakee, Fayette and Winneshiek Counties through congregate meal and home delivered meal programs. The applicant currently serves 174,500 meals annually. 62,550 of these meals served are home delivered meals, served in disposable meal containers. The project involves replacing disposable meal items with reusable meal trays, bowls, etc. This waste reduction project compliments current recycling of cardboard, food cans, glass and other recyclables by the agency at meal preparation sites. The project will divert a minimum of 10.6 cubic yards of nonrecyclable solid waste from the landfill annually.</p> <p>Grant assistance is offered to assist in the purchase of reusable trays and containers, meal delivery bags, and dishwashers.</p> <p>The applicant has not received previous financial assistance through this program.</p>	

Applicant:	Southwest 8 Senior Services, Inc. 3319 Nebraska Ave. Council Bluffs, Iowa 51501	Title: Reusable Meal Tray Program Contact: Barbara Blocker - (712) 328-2540
Award:	\$2,424 -- Grant	
Project Type:	Waste Reduction At The Source	
Description:	<p>The applicant is proposing to purchase and install a dishwasher for sanitizing reusable meal containers used at congregate and home delivered meal sites in southern Page County. This kitchen site serves approximately 70 seniors daily. Without a new efficient dishwasher, reusable meal containers can not be properly sanitized for reuse. This waste reduction project compliments current recycling at meal preparation sites.</p> <p>Grant assistance is offered for the purchase and installation of a new dishwasher.</p> <p>The applicant received two previous awards:</p> <ol style="list-style-type: none">1. \$6,114 grant in 1992 to implement the use of reusable meal containers in a portion of their eight county service area.2. \$10,501 grant in 1996 to expand the reusable meal container program. <p>The agency serves over 273,000 meals annually.</p>	

At this time, contracts for the ten (10) awards in excess of \$25,000 are presented to the Commission for approval.

(A copy of the Scope of Work for each project is on file in the department's Records Center)

Ms. Stanley stated that she reviewed the applications with the Commission last month and noted there are 10 contracts presented for the Commission's approval.

Charlotte Mohr commented that there are a number of contracts pertaining to education and she thinks it would be good to set up an education program whereby it could all be included in a package form to go out across the state.

Ms. Stanley noted that a principal function of the Iowa Recycling Association contract is to put together a coordinated statewide education process. She related that the other grantees with education projects will be required to work through the Iowa Recycling Association. Ms. Stanley stated that the department is looking at the development of packets to be used wherever they might be appropriate. She agreed that coordination of these projects is needed. Further discussion took place regarding in-kind local match money, involvement of the Extension Service, and that these projects will begin in June or July.

Motion was made by Rita Venner to approve the Landfill Alternatives Financial Assistance Program Contracts as presented. Seconded by Dean McWilliams. Motion carried unanimously.

APPROVED AS PRESENTED

BREMER COUNTY SANITARY LANDFILL REGIONAL COLLECTION CENTER GRANT CONTRACT

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Waste Management Assistance Division is seeking approval to enter into a contract with the Bremer County Sanitary Landfill to establish a regional collection center (RCC) for the collection of household hazardous wastes and hazardous wastes from conditionally exempt small quantity generator (CESQG) businesses. A RCC is a secured site for collecting, sorting, and packaging of hazardous materials from urban and rural households and CESQGs prior to transportation of these wastes for proper disposal.

Through the competitive request for proposal process, the Bremer County Sanitary Landfill received preliminary approval for a grant of \$100,000 to assist in the establishment of a RCC. Their solid waste permit for the RCC was acquired in early January. This RCC would originally serve Bremer County and eventually expand coverage to include other counties in the Iowa

Northland Regional Council of Governments (INRCOG) comprehensive planning area. This RCC grant will fund the following:

- Purchase and installation of a pre-fab building for temporary storage of flammable materials;
- Renovation of an existing building for collection and temporary storage of non-flammable materials;
- Purchase of a mobile collection unit to facilitate collections out in the various communities of the county and later the other counties in INRCOG's planning area;
- Training for staff and purchase equipment for general operations;
- Education program to raise the awareness of the local population about the RCC and the proper management of household hazardous materials (HHMs). This is a joint partnership with the Bremer County Conservation Board and INRCOG. Educational presentations, resource materials, and the appropriate technical assistance will be targeted at the following groups: 1) local schools; 2) local population; 3) local libraries; 4) retailers of HHMs; and 5) CESQG businesses.

Hazardous materials from households and CESQG businesses are products or chemicals that when used improperly or disposed of improperly can adversely effect our health, environment, surface water, and groundwater. In Iowa, groundwater supplies up to ninety percent of the state's drinking water, the remainder from surface waters. HHMs include products like motor oil, motor oil filters, degreasers, waxes and polishes, solvents, paints, lacquers and thinners, caustic household cleaners, spot and stain removers, and pesticides. CESQG hazardous wastes can include a myriad of different chemicals that are flammable, toxic, corrosive or reactive.

By providing convenient disposal options and proper management education for Iowa households and CESQGs, through RCCs, we will also prevent contamination of our air. EPA has found that the levels of indoor air pollution are up to ten times higher than outdoor air. We will be reducing the risk to sanitation workers who handle trash that could contain these hazardous items. We can prevent the damage caused to water treatment systems and septic tanks that were not designed to handle these chemicals. We can also help prevent misuse and improper storage of hazardous materials that results in skin irritations, eye damage, burns, lung irritations, and many accidental poisonings each year.

RCCs also provide for the beneficial reuse/recycling of these wastes, preserving energy and natural resources. All of the RCCs have exchange centers, which are outlets for useable products including paint, cleaners, etc. In some cases, materials are recycled including waste oil, antifreeze and lead acid batteries.

Iowa Code chapter 455F.8A requires the establishment of RCCs so that both rural and urban populations are served. RCC establishment grants provide up to \$100,000 to regional governments to establish permanent collection facilities for hazardous wastes from households and CESQGs. Funding for these grants comes from state tonnage fees. Funds may be allocated for:

- construction, renovation or purchase of structures;
- site modification;
- education program for households and CESQGs;

- equipment;
- initial staffing costs; and
- site and design fees.

This award supports the State's efforts to provide ongoing collection of hazardous wastes from households and CESQGs for both rural and urban populations. With the approval of this contract, this would bring the total number of RCCs to 9 serving 35 counties. The contract Scope of Work, Milestones and Budget for the contractor is attached.

Approval is requested for the director to enter into a contract with the Bremer County Sanitary Landfill.

ARTICLE V. SCOPE OF WORK

The contractor shall perform in a satisfactory and proper manner the work and services outlined by this agreement.

5.1 Project description. The Contractor will establish a RCC with a mobile collection unit and accompanying public education program within a region that serves at a minimum, Bremer County. The contractor shall continue to investigate and negotiate expanding the services area to include the other counties in the Iowa Northlands Regional Council of Governments planning area.

5.2 RCC operation. The contractor will collect hazardous wastes from households as well as conditionally exempt small quantity generators (CESQG). Households will not be directly charged for the disposal of their hazardous wastes. The RCC shall require payment from CESQGs who bring in an amount of hazardous waste greater than 10 pounds.

5.3 RCC education program, households. The RCC will establish a public education program that will stress identification of household hazardous materials (HHM), source reduction, and the proper disposal of household hazardous wastes.

5.3.1 The education program will show a commitment to working with local schools, libraries, and the regional population in general. The education program shall incorporate the Department's Retailer's Consumer Education Program and other HHM programs when appropriate.

5.4 RCC education program, Conditionally Exempt Small Quantity Generators.

The RCC will facilitate access to the appropriate technical information through its existing communications program. This program will assist CESQGs with source reduction, appropriate management, and disposal options for hazardous materials.

5.5 Public awareness, publicity campaign. The contractor shall initiate a campaign to inform targeted audiences about the RCC. The communications program will consist of, at a minimum, preparation and distribution of fliers and an ongoing strategic media relations campaign.

5.5.1 Public awareness, open house. The Contractor shall conduct at least one open house event open to all interested parties, after the Project is operational, and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) days prior to the scheduled date of the open house. The Contractor shall promote the

RCC and shall inform the public of the Project and Project events through the use of newspapers and/or other media within the area serviced by the Project.

5.6 Project measures. The contractor shall document and monitor the following items within the Project Area:

- the number of households participating in collection events
- the number of CESQGs participating in collections
- the quantity and categories of HHM collected
- the quantity and categories of CESQG hazardous wastes collected
- the types and number of media presentations (i.e. newspaper, radio, television, cable access stations and others.)
- the number and samples of HHM educational materials distributed
- the number and names of groups for which public awareness meetings were conducted
- the number of school HHM presentations and/or curriculum meetings
- the titles of educational materials distributed to libraries
- the number of libraries receiving materials
- the number of HHM retailers contacted and the results of meetings with HHM retailers about the Retailers Consumer Education Program
- the number of CESQG workshops held in the Project Area
- the number of CESQG businesses represented at the CESQG workshops
- the number and examples of CESQG educational materials distributed
- the level of revenues and expenditures associated with the Project

Monitoring results shall be reported in quarterly and final reports to the Department as described in 5.9 and 5.11.

5.7 Permitting. The Contractor shall obtain a solid waste permit from the Environmental Protection Division of the Department (515-281-8941) before the Project begins.

5.8 Purchases. The Contractor agrees to make a concerted effort to award at least ten percent of all contracts which directly utilize grant funds in the purchase of supplies, equipment, construction and services to targeted businesses, minority owned businesses or women owned businesses. The Department shall release grant funds for reimbursement for eligible expenses, only after the Contractor documents in writing, a summary of efforts regarding the above mentioned targeted businesses and the Contractor receives approval from the Department. Documentation of the Contractor's efforts may take place prior to placing purchase orders for all eligible contract expenses or the Contractor may elect to submit the documentation prior to the placing of purchase orders for each additional item of equipment, supplies, construction or services.

The Contractor shall purchase any item specified in the plans costing over \$10,000 on a competitive basis if this purchase directly utilizes grant funds. The purchase of equipment will include a local cost share of the actual purchase price of the equipment as identified in Appendix A, Budget. Subject to the five-year reimbursement provision as set forth below, the title of the property purchased by the Contractor shall remain vested with the Contractor.

In the event that the Project fails or ceases operations within five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract and without prior Department approval, the Department shall be reimbursed an amount equal to the estimated current fair market value for all nonexpendable tangible personal property purchased solely with funds provided pursuant to this Contract unless the failure or cessation of the project is the result of circumstances beyond the control of the

contractor despite the exercise of due diligence. In the event any nonexpendable tangible personal property item or items purchased or constructed, using grant funds, are sold and proceeds from that sale are used for other than acquisition of comparable replacement items for up to five (5) years after the expiration of the Term of Contract as identified on the title page of this Contract, the Department shall be paid a percentage of the sale price equal to the percentage of grant money used in the original purchase or construction of the nonexpendable tangible personal property. For the purposes of this contract, nonexpendable tangible personal property, includes but is not limited to, vehicles, trailers, collection and processing equipment, building construction, building remodeling, and scales. For the purposes of this contract, comparable replacement items means items that maintain the intent of the Project.

5.9 Quarterly reports. The Contractor shall submit quarterly reports on the Project. The quarterly reports are due by the 15th of the month starting March 15, 1998 (See Appendix B). The quarterly report shall discuss the status of the project and shall include a quarterly update of the information required in the Final Report described in 5.11.

5.10 Pictorial history. The Contractor shall develop a pictorial history via slides of the Project complete with data on project development from early initiation through construction, start-up, and Contract completion. The pictorial history shall be of such quality necessary for conferences, trade journals, and other sources to disseminate the results of the project. Provide necessary supporting information for clarification of pictorial history subject matter. This pictorial history shall be submitted with the final report described in 5.11.

5.11 Final report. The Contractor shall submit a final report on the Project. The final report shall include an overview of Articles 5.1 through 5.10 with special attention given to the following items:

- 1) Information on the source of wastes within the Project Area including the following:
 - the number of households participating in collection events
 - the number of CESQGs participating in collections
 - the quantity and categories of HHM collected
 - the quantity and categories of CESQG hazardous wastes collected
 - the types and number of media presentations (i.e. newspaper, radio, television, cable access stations and others.)
 - the number and samples of HHM educational materials distributed
 - the number and names of groups for which public awareness meetings were conducted
 - the number of school HHM presentations and/or curriculum meetings
 - the titles of educational materials distributed to libraries
 - the number of libraries receiving materials
 - the number of HHM retailers contacted and the results of meetings with HHM retailers about the Retailers Consumer Education Program
 - the number of CESQG workshops held in the Project Area
 - the number of CESQG businesses represented at the CESQG workshops
 - the number and examples of CESQG educational materials distributed
 - the level of revenues and expenditures associated with the Project.
- 2) The environmental impact of the Project.
- 3) Assessment of the viability of conducting this type of project in other regions within the State of Iowa.

4) Details on all aspects of the Project during the term of the Contract, including an analysis of problems and successes encountered.

5) Complete pictorial (slides) history of the Project. The pictorial history and supporting information must be of presentation quality.

6) Copies of educational materials, fliers, newspaper and magazine articles, news releases, and other written, audio, and pictorial materials that educate or promote the project.

ARTICLE VI. MILESTONES

<u>DATE</u>	<u>ACTIVITY</u>
March 23, 1998	Project begins
March 23, 1998	Construction begins
March 23, 1998	Education Program begins
June 15, 1998	Construction Ends
July 1, 1998	Collection of household hazardous waste begins
July 1, 1998	Data monitoring of collections begins
September 1, 1998	Collections with mobile unit begins
August 15, 1998	Open House Held
October 1, 1998	Collection of CESQG hazardous waste begins
April 30, 1998	Final Report and Pictorial History due to the Department

ATTACHMENT A PAYMENT AGENT AND BUDGET

Payment made to:

Bremer County Sanitary Landfill
415 E. Bremer Avenue
Waverly, IA 50677

<u>ITEM</u>	<u>DNR GRANT</u>	<u>COST SHARE</u>	<u>TOTAL</u>
3 Year Education Program	\$ 13,100	\$ 13,100	\$ 26,200
Pre-fab Building	\$ 25,000	0	\$ 25,000
Renovation of Existing Building	\$ 10,000	0	\$ 10,000
Truck and Mobile Unit	\$ 45,000	0	\$ 45,000
Safety and Testing Equipment	\$ 3,450	0	\$ 3,450
Personal Protective Equipment	\$ 1,450	0	\$ 1,450
Utilities and Insurance	0	\$ 7,800	\$ 7,800
Maintenance and Transportation	0	\$ 4,200	\$ 4,200
Barrels and Disposal Costs	0	\$ 30,600	\$ 30,600

Labor costs	0	\$ 12,528	\$ 12,528
Staff Training	\$ 2,000	\$ 1,500	\$ 3,500
Total	\$ 100,000	\$ 69,728	\$ 169,728

Ms. Stanley distributed copies of a map depicting RCC's for collection of household hazard waste around the state. She explained details of the map which also showed planned service area expansion and the areas that did not meet the 25% reduction goals.

Motion was made by Rozanne King to approve the Bremer County Sanitary Landfill Regional Collection Center Grant Contract as presented. Seconded by Charlotte Mohr. Motion carried unanimously.

APPROVED AS PRESENTED

MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

RULEMAKING STATUS REPORT March 1, 1998

Proposal	Notice to Comm	Notice Publish	Rules Review Comm.	Hearing	Final Summary to Comm.	Rules Adopted	Rules Publish	Rules Review Comm.	Rule Effective
1. Ch. 20,22,23,24,25,28, 29 and 31 - Air Quality Rules	12/15/97	1/14/98	2/3/98	2/13/98	3/16/98	*3/16/98	*4/08/98	*5/4/98	*5/13/98
2. Ch. 22 - Air Quality Permits	2/16/98	3/11/98	*4/06/98	*4/10/98	*5/18/98	*5/18/98	*6/17/98	*7/06/98	*7/22/98
3. Ch. 22, 23, and 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors	3/16/98	*4/08/98	*5/04/98	*5/25/98	*6/15/98	*6/15/98	*7/15/98	*8/10/98	*8/19/98
4. Ch. 49, 64 and 69 - Nonpublic Water Well Construction and Private				12/9-11, 15					

Sewer System Construction Standards	10/20/97	11/19/97	12/08/97	and 17/97	3/16/98	*3/16/98	*4/08/98	*5/04/98	*5/13/98
5. Ch. 50, 51, and 52 - Agricultural Drainage Wells	8/18/97	9/10/97	10/07/97	10/7,8,10/97	12/15/97	12/15/97	1/14/98	2/03/98	Session Delay
6. Ch. 92 - State Revolving Fund	1/20/98	2/11/98	3/09/98	3/03/98	*4/20/98	*4/20/98	*5/20/98	*6/09/98	*6/24/98
7. Ch. 102 and 103 - Solid Waste - TERMINATION OF NOTICE - 3/16/98	12/15/97	1/14/98	2/03/98	2/04/98	3/16/98	*3/16/98	*4/08/98	*5/04/98	*5/13/98
8. Ch. 134 - Registration of Groundwater Professionals	10/20/97	11/19/97	12/08/97	-----	2/16/98	2/16/98	3/11/98	*4/06/98	*4/15/98

Variance Report February 1998

No.	Facility	Program	Subject	Decision	Date
1	Pella Corporation-Carroll	Air Quality	Permit Requirements	Approved	02/23/98
2	Tripoli, City of	Air Quality	Landscape Waste	Approved	02/03/98
3	Unionville, City of -(Rathbun Regional Water Association)	Wastewater	Directional Boring, Sewer Slope	Approved	02/19/98
4	Unionville, City of-(Rathbun Regional Water Association)	Wastewater	Lagoon Riprap	Approved	02/19/98
5	Unionville, City of-(Rathbun Regional Water Association)	Wastewater	Pond Influent Piping	Approved	02/19/98
6	Unionville, City of-(Rathbun Regional Water Association)	Wastewater	Number of Lagoon Cells	Approved	02/19/98
7	Unionville, City of-(Rathbun Regional Water Association)	Wastewater	Inter-Cell Control Structures	Approved	02/19/98
8	Woodburn, City of-(Southern Iowa Rural Water Association)	Wastewater	Directional Boring, Sewer Slope	Approved	02/26/98
9	Woodburn, City of-(Southern Iowa Rural Water Association)	Wastewater	Inter-Cell Control Structures	Approved	02/26/98
10	Woodburn, City of-(Southern Iowa Rural Water Association)	Wastewater	Influent Line Termination	Approved	02/26/98
11	Woodburn, City of-(Southern Iowa Rural Water Association)	Wastewater	Number of Lagoon Cells	Approved	02/26/98
12	Woodburn, City of-(Southern Iowa Rural Water Association)	Wastewater	Pond Influent Piping	Approved	02/26/98
13	Woodburn, City of-(Southern Iowa Rural Water Association)	Wastewater	Valve Pit	Approved	02/26/98
14	Woodburn, City of-(Southern Iowa Rural Water Association)	Wastewater	Manhole Spacing	Approved	02/26/98

15	Council Bluffs, City of-Madison Avenue Bridge (Height)	Flood Plain	Freeboard	Approved	02/12/98
16	Council Bluffs, City of-Madison Avenue Bridge(Size)	Flood Plain	Backwater	Approved	02/12/98
17	Iowa City, City of	Flood Plain	Freeboard	Approved	02/27/98
18	Webster County-East-West Bridge Over Lizard Creek	Flood Plain	Freeboard	Approved	02/09/98
19	Webster County-North-South Bridge Over Lizard Creek	Flood Plain	Freeboard	Approved	02/09/98
20	Crawford County Sanitary Landfill	Solid Waste	Cover	Approved	02/06/98
21	Rock Rapids, City of	Watersupply	Construction Materials	Approved	02/05/98
22	Rock Rapids, City of	Watersupply	Installation Procedures	Approved	02/05/98

Monthly Spill Report - February 1998

February 1, through February 27, 1998, 47 reports of hazardous conditions were received. A summary by field office is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	70(52)	37(28)	17(10)	16(14)	28(31)	6(0)	28(13)	5(4)	0(0)	3(4)
Nov.	44(33)	25(18)	9(9)	10(6)	15(16)	3(0)	23(12)	2(2)	0(0)	1(3)
Dec.	52(33)	27(20)	19(3)	6(10)	21(16)	4(1)	22(12)	4(0)	0(1)	1(3)
Jan.	42(39)	32(28)	3(4)	7(7)	19(20)	2(1)	16(15)	1(2)	1(0)	3(1)
Feb.	48(54)	28(29)	5(7)	15(18)	24(29)	3(2)	13(20)	2(1)	1(2)	5(0)

(numbers in parentheses for the same period in fiscal year '97)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	6	6	2	13	14

ENFORCEMENT STATUS REPORT

The following new enforcement actions were taken last month:

<u>Name, Location and Program</u>	<u>Alleged Violation</u>	<u>Action</u>	<u>Date</u>
<u>Field Office Number</u>			
Hidden Valley Mobile Drinking Water Co. (6)	Monitoring/Reporting Lead and Copper	- Referred to AG	1/20/98

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Donald Grell d/b/a Dodger Enterprises, Ft. Dodge (2)	Air Quality	Open Burning	Referred to AG	1/20/98
Ira Cooley and Debby Cooley; Karen Sauer, Keokuk Co. (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$1,000	2/5/98
Enviro Safe Air, Inc., Creston (4)	Air Quality	Asbestos	Order/Penalty \$10,000	2/5/98
Webb, City of (3)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	2/5/98
James Mills, Webb (3)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	2/5/98
Tom's Livestock Service, Mechanicsville (6)	Animal Feeding Operation-Hazardous Condition	Prohibited Discharge - Confinement; Water Quality Violations - General Criteria; Failure to Notify	Order/Penalty \$3,000	2/9/98
Scott Wendler, Cedar Co. (6)	Animal Feeding Operation	Prohibited Discharge - Confinement; Water Quality Violations - General Criteria	Order	2/9/98
Sterling Woods Homeowner's Assn., Bettendorf (6)	Wastewater	Prohibited Discharge	Order	2/13/98
Linwood Mining & Minerals, Davenport (6)	Air Quality	Emission Violations	Consent Admin. Order	2/13/98
Gold Eagle Cooperative, Eagle Grove (2)	Hazardous Condition	Failure to Notify	Order/Penalty \$1,000	2/17/98
Webb, City of (3)	Drinking Water	Monitoring/Reporting Lead and Copper	Order/Penalty \$2,000	2/20/98
Pathway Christian School, Kalona (6)	Drinking Water	Monitoring/Reporting Bacteria; Public Notice	Order/Penalty \$500	2/20/98
Larry Cope; Susan E. Cope; and Bill VanPelt, Carlisle (5)	Waste-water	Stormwater - Operation Without Permit	Order/Penalty \$1,500	2/25/98

ATTORNEY GENERAL REFERRALS
March 1, 1998

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	6/20/97
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96
Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	Referred	11/17/97
DeCoster, A.J. Wright Co. UPDATED	(2) Waste-water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Defendant's Motion to Compel State's Motion to Extend Pleadings Hearing Order Denying Defendant's Motion Order Granting State's Motion Defendants Motion for Reconsideration Order Denying Defendant's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial Closing Arguments Post Trial Briefs Ruling (\$59,000/Civil) Defendant 179(b) Motion Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed State's Brief Filed State's Amended Brief Filed	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 10/03/96 10/15/96 10/21/96 10/28/96 10/28/96 11/06/96 11/21/96 11/27/96 12/20/96 12/20/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 4/04/97 9/05/97 9/24/97 4/04/97 9/05/97 9/24/97 1/12/98 1/22/98
DeCoster, A.J.					

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Nursery Unit #3 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2) UPDATED	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Trial Date Defendant's Motion for Partial Summary Judgment State's Resistance Filed State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Defendant's Resistance to State's Motion for Partial Summary Judgment Hearing on State's Motion for Partial Summary Judgment Ruling Denying Defendant's Motion for Partial Summary Judgment Ruling Granting State's Motion for Partial Summary Judgment Trial Defendant's Post Trial Brief Plaintiff's Proposed Findings and Conclusions Defendant's Response Ruling for State Defendant's Notice of Appeal	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 9/16/97 7/14/97 7/31/97 8/04/97 8/11/97 8/19/97 8/25/97 9/02/97 9/04/97 9/16- 18/97 10/20/97 11/19/97 12/04/97 1/15/98 2/13/98
DeCoster, Austin J. Sow Unit #1; Nursery Unit #7 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	6/20/97
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	8/18/97
DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
Economy Solar Corp. Ft. Madison (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96

Economy Corp./Central School DeWitt (6)	Solar Community Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/17/95 1/03/97 3/23/98
ESCORP/Cryotech Ft. Madison (1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/17/95 4/11/97 3/02/98
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2) NEW	Air Quality	Open Burning	Order/Penalty	Referred	1/20/98
Hahn, Oscar Solon (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
Hidden Valley Mobile Home Court Washington Co. (6) NEW	Drinking Water	Monitoring/Reporting - Lead and Copper	Order/Penalty	Referred	1/20/98
Home Asbestos & Lead Abatement Services; Robert G. Condon West Des Moines (5)	Air Quality	Asbestos	Order/Penalty	Referred	10/20/97
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Larson, Daryl Clinton Co. (6)	Waste-water	Prohibited Discharge	Referred to Attorney General	Referred	10/20/97
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5)	Waste-water	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred	1/22/97
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97

Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/Re porting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Under- ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Waste- water	Prohibited Discharge	Referred to Attorney General	to Referred	1/22/97
Postville Pork Postville (1) UPDATED	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date	5/20/96 7/09/97 11/4/98
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94
Relative, Inc.; Doug Smuck Des Moines (5)	Under- ground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
R.V. Hopkins Davenport (6)	Air Quality	Emission Violations	Order/Penalty	Referred	5/21/97
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders /Penalties	Referred	6/20/97
Stickle Farms, Inc. Linn Co. (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	4/21/97
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1) UPDATED	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Criminal Complaint Filed	11/17/97 11/26/97
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Under- ground Tank	Site Assessment	Order/Penalty	Referred	10/20/97

CONTESTED CASES

DATE	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED	STATUS
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	New draft consent order issued to company for approval..
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	New draft consent order issued to company for approval..
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	Permit issued. District court suit dismissed. Field Office
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing slowly due to
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Wornson	Settlement letter sent 8/31/94. SCR completed.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
6-23-92	Chickasaw County Board of Supervisors,	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Meeting
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held. Settlement close.
7-06-93	Dennis E. Good	Admin. Order	UT	Wornson	Tier 1 complete. Tier 2 initiated.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp;	Admin. Order	UT	Wornson	Settlement expected. SCR submitted. Revision required
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context of Title V
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Wornson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Wornson	Untimely appeal. Compliance 3/97. Negotiating penalty.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Wornson	Tanks closed. Property sold. Buyer is Fund eligible and
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to
7-12-94	Torn Wiseman	Admin. Order/Penalty	UT	Wornson	Appeal untimely. Follow-up letter sent. Fund eligible.

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8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Letter sent 2/27/97.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations
9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding closure
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Womson	Inability to pay documented. County took tax deed.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - requested documentation -- no
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept.
1-11-95	Henry and Randy Krohn d/b/a Krohn	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer made. FO rejected offer. Phone
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Womson	Inability to pay. Forms sent. No response. Follow-up -
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	ALJ decision received. Admin. Order affirmed, penalty
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 8/21/97 regarding
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty	Admin. Order/Penalty	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Appealed to District Court..
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Womson	Compliance initiated. SCR under review.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin. Order/Penalty	UT	Womson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96.
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Clean-up progressing. Working with F.O. #6. Receiving

12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Settled.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Compliance initiated by Atlantic Bottling. Comingled
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from
1-22-96	Daryl Hollingsworth and Karen Hollingsworth	Admin. Order/Penalty	UT	Womson	Tanks removed. Property sold.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement -
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. To be
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Kennedy	Hearing set for 4/27/98 - settlement pending.
6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. &	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 -	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design (Monfort)	Admin., Order/Penalty	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Womson	Closed facility. Negotiating penalty.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 -	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing..
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Womson	Tanks removed. Negotiating penalty.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.

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11/08/96	Caseys General Stores, Inc.	Mean Time to Corrosion	UT	Wornson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin. Order/Penalty	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed
1/02/97	Ruan Leasing Co., aka Ruan Transportation	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage &	Admin. Order/Penalty	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Wornson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Preziosi	Negotiating before filing..
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
6/06/97	Al DeCarlo Demolition Co.	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Preziosi	New case.
7/31/97	Brittany Estates Addition	Admin. Order/Penalty	WS	Hansen	Hearing set for 3/23/98.
8/01/97	Dodger Enterprises Co., Tire Chop Division;	Admin. Order	SW	Kennedy	Hearing set for 3/9/98.
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Tire-Tech Environmental Systems	Admin. Order/Penalty	SW/WW	Kennedy	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co. Solid	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin. Order/Penalty	WS	Hansen	Under review by WS section. Connection to water
10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	Negotiating before filing.
10/6/97	Big-Ten Mart/Truck Stop	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City submitted
10/17/97	Iowa Select Farms, L.P. (Gast Finishing Farm)	Admin. Order/Penalty	WW	Clark	Hearing set for 4/13/98.
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.

11/19/97	Troy Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Negotiating before filing.
11/21/97	Iowa Realty - Easter Lake Estates	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	Negotiating before filing.
12/03/97	Milton, City of	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
12/05/97	Emery Gingerich d/b/a Gingerich Well and	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/08/97	Alan Rasmussen	Admin. Order/Penalty	WW	Clark	Settlement letter sent 2/16/98. First penalty installment
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop	Notice of Intent to Revoke	SW	Kennedy	Hearing set for 3/9/98.
12/17/97	Lafarge Corporation, Inc.	Tonnage Fee Determination	SW	Murphy	Negotiating before filing.
12/22/97	Dave and Kristi Castenson; Donald Fields,	Harcourt Variance	WW	Hansen	Negotiating before filing.
12/30/97	Ronald Juergens	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
1/07/98	Iowa Select Farms, L.P. (Sow Farm #8) (Wright	Admin. Order/Penalty	WW/HC	Clark	Hearing set for 4/9/98.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp	NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/21/98	Leroy Wulf	Admin. Order/Penalty	WW	Clark	Settlement close.
1/23/98	Sac City	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
1/29/98	Ralston Purina Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/30/98	Rockwell City	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
2/13/98	Ed Engelbrecht d/b/a E & E Auto Salvage	Admin. Order/Penalty	AQ/SW	Kennedy	New case.
2/17/98	Irvin Leichity	Admin. Order/Penalty	WW	Clark	New case.
2/19/98	Jacob Yoder	Admin. Order/Penalty	AFO	Clark	New case.
2/19/98	Robert Butler	Admin. Order/Penalty	AFO	Clark	New case.
2/24/98	Rinard, City of	Permit Conditions	WS	Hansen	New case.
2/26/98	Ira Cooley, Debby Cooley and Karen Sauer	Admin. Order/Penalty	AQ/SW	Kennedy	New case.
2/27/98	James Mills	Admin. Order/Penalty	AQ/SW	Preziosi	New case.
2/27/98	Webb, City of	Admin. Order/Penalty	AQ/SW	Preziosi	New case.

Mr. Stokes presented the routine monthly reports.

Discussion followed regarding a few of the cases on the Enforcement Report and Chariman Ehm asked about the open burning violation listed for Dodger Enterprises. Mike Murphy replied that it should be corrected to show solid waste permit violations.

Charlotte Mohr commented that a sinkhole developed at the Scott County landfill one night about a month ago and a portion of it went down 100 feet.

Mr. Stokes stated that has happened from time to time but staff try to be very careful in the permitting of the landfill as well as monitoring what goes on.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Teri Schlutz (Section 401 waiver)

Teri Schlutz, Letts, Iowa addressed the Commission presenting the following written statement:

"I appreciate this opportunity to express my concerns about how the DNR staff is handling my tree clearing project in the Mississippi River valley area of Louisa County. My land may have once been a wetland but it is not wetland now because it is welldrained by the huge pumps of my drainage district. It is also protected from flooding by the large levees. My land is heavily assessed to pay for those pumps and levees. Most importantly, the NRCS has issued a certified determination that my land is not wetland. But sadly, when they couldn't convince the NRCS to change their mind, the Corps of Engineers decided to claim my land is wetland anyway. They have forced me to apply for a Section 404 permit and have repeatedly delayed me.

I ask you to help me convince the DNR to waive Section 401 water quality standards certification for my project. Without the waiver the Corps of Engineers can avoid denying my application for a Section 404 permit and I will be unable to pursue relief in federal court from the Corps' unjust claim that my land is wetland. The Corps is hiding behind the DNR.

The DNR tells me they won't issue 401 certification to clear 40 acres of trees unless I provide 60 acres of mitigation. But I refuse to surrender any of my land to the government for the right to clear trees from my non-wetland. I asked the DNR how they decided my land was wetland when the NRCS said no and Corps said yes. They said that whatever the Corps says the DNR follows. But isn't the DNR supposed to follow state laws and rules rather than the Corps' direction?

Please help me avoid the wasted time and expense of an administrative appeal within the DNR. A waiver of certification will not compromise DNR responsibility because the Corps will deny me anyway. A waiver will also acknowledge that the NRCS determination conflicts with the Corps position."

Ms. Schlutz circulated a packet of information which included the NRCS ruling declaring it a non-wetland and the reasons for same. It also contained an engineering report from Don Etler as to why it is not a wetland, and a geological report done during the flood of 93 which said the adverse effects placed on Louisa County were low to average.

Rita Venner asked Ms. Schlutz if she has proof it is not now a wetland.

Ms. Schlutz stated that the land has been drained since 1906 when the drainage district was established. She related that the drainage district maintains the water at 530 feet sea level and the lowest part of her farm is at 536 feet sea level.

Chris Gault (Air Quality Rules - 2.4 particulate matter)

Chris Gault, Iowa Farm Bureau Federation, addressed the Commission presenting the following written statement:

"I would like to take a few minutes to discuss the proposed Air Quality Rules, Item 13 on your agenda. We testified during the public comment period, but have one issue remaining, item 88 of the proposed rules. This item implements the 2.5 particulate matter standard for Iowa. Particulate matter regulation limits the size of dust particles emitted into the air. PM2.5 is a smaller particle than PM10.

Last summer, debate took place at the federal level over these rules and its potential impacts - utilities, farmers and the general public could be severely effected by this rule. The EPA does not have a reliable way to test for PM2.5 and so is currently extrapolating from PM10 data. The EPA's Office of Air Quality issued a guidance memorandum stating that it believes that it is "administratively impractical at this time to require sources and state permitting authorities to attempt to implement PSD permitting for PM2.5." It also states that it will take 3-5 years to address the current technical and informational deficiencies regarding PM2.5 regulation.

We thank the department for going forward with the monitoring of PM2.5 so that we can see if it is a problem in Iowa in Iowa. However, they are also going to put together a preliminary plan for Iowa to attain the PM2.5 standard. Iowa doesn't know if it's a problem, the extent of the problem or what's causing the problem. We appreciate the fact that the department is going to list Iowa as unclassifiable in their plan. But, do you want valuable staff time spent on a preliminary plan when we don't have accurate data on which to base the plan?

The question for you is whether you want to move this rapidly to implement these controversial rules? According to the EPA's timetable, three years of monitoring needs to occur before non-attainment areas need to be established. And, a state implementation plan does not need to be submitted until between 7 and 10 years from now.

Additionally, a bipartisan effort is underway in Congress to require further monitoring and to delay state implementation of these rules. The Senate adopted an amendment to the highway reauthorization bill on March 4, 1998 on a voice vote. The highway bill has passed the Senate and is awaiting conference with the House version. House leaders and the administration support this language. The amendment requires three years of monitoring PM2.5 before requiring state to determine non-attainment areas. States then have a year to designate areas. EPA is also directed to conduct a field study to determine if the PM2.5 monitors are able to differentiate between PM2.5 and PM10.

As you make a decision about Item 87 of the proposed air quality rules, we ask you to consider:

- 1) The EPA's own timetable for implementation of the rules.
- 2) The amendment on the highway reauthorization bill that will delay implementation of the federal rules.
- 3) The technical and information deficiencies surrounding the regulation of PM2.5.

- 4) The unknown impact of these rules on Iowa citizens and businesses.

Emily Eide, our National Affairs Director, coordinated our efforts on these rules at the federal level. She is available if you have any questions."

Edee Brunia (Chapter 69 - septic systems)

Edee Brunia, Norwalk, spoke in regard to the Final Rule-Chapter 69 pertaining to 69.1(3)a(1) noting that the first paragraph mentions that one cannot install, repair or rehab their sewer, but the part of the paragraph she objects to states "or where a local ordinance requires connection to a public system." She stated that if her septic system does not have a problem it should be left alone until she has a problem. She added that she would like to be able to recoup the money she spent on that system which is still working. Ms. Brunia also objected to the wording under 69.1(3)a(2) which says "within a time frame and under conditions set by the administrative authority." She asked what the time frames are and what the conditions are, adding that it is very vague. She stated that she would like to see that part of the language deleted.

Chairman Ehm asked Ms. Brunia if she would visit with Allan Stokes on this matter, adding that the Commission will not act on these rules until this afternoon.

Mr. Stokes explained that the language Ms. Brunia is referring to has been in the rules for 15-20 years. He noted that the old language states that if a person has a septic they have to hook on as soon as a sanitary sewer system becomes reasonably available, and in this version rather than leave unclear who's definition of "reasonable," it was changed to say whatever is accessible within 200 feet.

Marilyn Halterman (Chapter 69 - septic systems)

Marilyn Halterman, Carlisle, spoke about Ch. 69.1(3)a(1) noting that it is not clear the way the rule is worded. She related that any local ordinance will override these rules as there will be regulations within the county to overrule it. She noted that she does not understand the "exterior drainage facility" language. She related that the people who are dealing with this is the local Board of Health, which are lay people who have to interpret these things. She added that she would also like to visit with Mr. Stokes on these issues. She complimented staff on Appendix A dealing with the non-household domestic sewage rates, pointing out that it is something that was really needed.

Mike Volrath (Chapter 69 rules)

Mike Volrath addressed the Commission noting typographical errors on pg. 38, under 69.10(1). He related that under comments pertaining to that section the recommended action said "full sized soil absorption system," but the rule does not contain the words "full sized." He also noted that on pg. 35, under 69.9(1)a, it states "Intermittent sand filters shall be used" and it should say "Intermittent sand filters may be used."

Mr. Stokes noted that those errors have been pointed out to staff and he will make the corrections when the item is presented.

TERMINATION OF RULEMAKING--CHAPTERS 100,102, 103, 108 AND 110, SOLID WASTE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to terminate rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on January 14, 1998, as **ARC 7761A**, proposing to amend Chapter 100, "Scope of Title --- Definitions --- Forms --- Rules of Practice," Chapter 102, "Permits," Chapter 108, "Reuse of Solid Waste," and Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities," and rescind Chapter 103, "Sanitary Landfills," and adopt a new Chapter 103, "Sanitary Landfills," Iowa Administrative Code.

The purposes of the Notice were to 1) reorganize and simplify the rules related to landfills, without significant substantive change and for the benefit of the regulated parties and public; 2) establish a simplified "permit-by-rule" for demolition wastes; and 3) establish less stringent design requirements and streamlined permit procedures for coal combustion residue (CCR) landfills.

In spite of the fact that substantial effort was made to solicit input and comments from the regulated community and other interests prior to filing the Notice, there has been substantial negative comment on the proposals, except that supportive comments were received relating to the CCR provisions. The intent of the department is to terminate rule-making on all aspects of this Notice. However, the department intends to adopt in the near future, and without notice and further public participation, those portions of this Notice relating to CCR, after reviewing them for purposes of insuring consistency with the remaining, current rules, and their proper placement in the existing rules.

ENVIRONMENTAL PROTECTION COMMISSION [567]

Notice of Termination

Pursuant to the authority of Iowa Code sections 455B.304, the Environmental Protection Commission terminates the rule making initiated by its Notice of Intended Action published in the Iowa Administrative Bulletin on January 14, 1998, as **ARC 7761A**, proposing to amend Chapter 100, "Scope of Title --- Definitions --- Forms --- Rules of Practice," Chapter 102, "Permits," Chapter 108, "Reuse of Solid Waste," and Chapter 110, "Design, Construction and Operation Standards for Solid Waste Management Facilities," and rescind Chapter 103, "Sanitary Landfills," and adopt a new Chapter 103, "Sanitary Landfills," Iowa Administrative Code.

The purposes of the Notice were to 1) reorganize and simplify the rules related to landfills, without significant substantive change and for the benefit of the regulated parties and public; 2) establish a simplified "permit-by-rule" for demolition wastes; and 3) establish less stringent design requirements and streamlined permit procedures for coal combustion residue (CCR) landfills.

In spite of the fact that substantial effort was made to solicit input and comments from the regulated community and other interests prior to filing the Notice, there has been substantial negative comment on the proposals, except that supportive comments were received relating to the CCR provisions. The intent of the department is to terminate rulemaking on all aspects of this Notice. However, the department intends to adopt in the near future, and without notice and further public participation, those portions of this Notice relating to CCR, after reviewing them for purposes of insuring consistency with the remaining, current rules, and their proper placement in the existing rules.

Date

Larry J. Wilson, Director

Mr. Stokes stated that these rules were the Solid Waste rules that proposed to place height restrictions on landfills, and the Commission decided to take that restriction out before the rules went to hearing. He noted that the restrictions were taken out of one section but erroneously were not taken out of all of the sections. Also taken out was the proviso to allow local units of governments, under 28E agencies, to establish demolition waste disposal sites. That limited the demolition waste disposal to permitted sanitary landfills. Mr. Stokes stated that staff proposed to do a re-write of the rules to be more understandable to everyone. As a result of this, it created some confusion and some people misinterpreted it to think the rules were changed. He stated that he is asking the Commission to withdraw the rules, which would leave them as they exist today. He related that he will bring rules next month with just the coal combustion residue monofil rules, and if there are no changes in those rules as they went to public comment, he will ask for approval without a notice of hearing. If there are changes as a result of the first go around of public comment he will ask for approval of a Notice of Intended Action.

Motion was made by Dean McWilliams to approve Termination of Rulemaking--Chapters 100, 102, 103, 108 and 110, Solid Waste. Seconded by Kathryn Murphy. Following brief discussion, the motion carried unanimously.

RULE TERMINATED

AIR QUALITY BUREAU BUDGET - SFY 1999

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be provided the proposed Air Quality Bureau budget for SFY 1999 in accordance with the schedule outlined in 567 IAC Subrule 22.106(1). In May, the Commission will be requested to establish the Title V emission fee based on 1997 annual emission statements and the proposed budget.

Mr. Stokes stated that he distributed a copy of the Air Quality Bureau budget to the Commissioners workplace for review. He noted that in May staff will ask the Commission to set the tonnage fee that would be applicable for Title V Permits, for SFY beginning July 1. He related that no additional staff or acquisitions are proposed. He expanded on details of the program and budget.

INFORMATIONAL ONLY

INTERAGENCY AGREEMENT - LINN COUNTY AIR POLLUTION CONTROL PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve revisions to an interagency agreement between the Department and the Linn County Board of Health. This agreement sets forth each agency's role in ongoing implementation of the Linn County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The revisions address placement and implementation of a PM_{2.5} ambient air monitoring network. The total amount will increase from \$244,000 to \$305,372, with the variable amount remaining at \$7,200. Federal grant dollars supporting implementation of the PM_{2.5} network will cover the \$61,372 increase.

Mr. Stokes presented details of the agreement.

<i>Motion was made by Charlotte Mohr to approve the Interagency Agreement with Linn County for their Air Quality Program. Seconded by Terrance Townsend. Motion carried unanimously.</i>
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APPROVED AS PRESENTED.

INTERAGENCY AGREEMENT - POLK COUNTY AIR QUALITY PROGRAM

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the revisions to an interagency agreement between the Department and the Polk County Board of Supervisors. This agreement sets forth each agency's role in ongoing implementation of the Polk County air quality construction permit, Title V operating permit, and ambient air monitoring programs mandated by the Clean Air Act Amendments of 1990.

The revisions address placement and implementation of a PM2.5 ambient air monitoring network. The total amount will increase from \$266,000 to \$327,372, with the variable amount remaining at \$7,200. Federal grant dollars supporting implementation of the PM2.5 network will cover the \$61,372 increase.

Mr. Stokes presented details of the agreement.

Motion was made by Kathryn Murphy to approve the Agreement with Polk County for their Air Quality Program. Seconded by Rozanne King. Motion carried unanimously.

APPROVED AS PRESENTED

Chairman Ehm requested an analysis of comparisons for the state taking care of Polk and Linn counties versus what the counties are doing themselves, in terms of effectiveness, costs and innovations being used.

Mr. Stokes stated that he will present that information next month.

NOTICE OF INTENDED ACTION--CHAPTERS 22, 23 AND 25, HOSPITAL, MEDICAL AND INFECTIOUS WASTE INCINERATORS, AND MUNICIPAL WASTE COMBUSTORS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," and Chapter 25, "Measurement of Emissions," Iowa Administrative Code.

The purpose of this rule making is to approve state regulations for existing hospital/medical/infectious waste incinerators (HMIWI), as well as, adopt by reference and make corrections to the NSPS for HMIWI and municipal waste combustors (MWC), and update adoption by reference citations. The department has established there are sources in the state subject to these requirements. In accord with delegation agreements previously entered into with EPA, the department herein considers accepting delegation of these standards. The standards are no more stringent than those specified in the federal regulations.

On September 15, 1997, the U.S. Environmental Protection Agency (EPA) issued regulations that will affect new and existing incinerators that burn hospital, medical, and/or infectious waste,

as 40 CFR Part 60 Subpart Ec and Ce. The new regulations require facilities such as hospitals/health care facilities, veterinarians, crematoriums, research labs, and commercial facilities with these incinerators to reduce emissions of certain pollutants, which are known to have a negative affect on both public health and welfare. The regulations aim to reduce the emissions from these incinerators by 75 to 98 percent.

Table 1 outlines the compliance schedule for designated facilities with an existing HMIWI planning to retrofit their equipment. This has changed from the version that was provided to the Commission for information. The former compliance schedule was based on the estimated effective date of the state rule (September 16, 1998). The new compliance schedule consists of floating compliance dates based on the date EPA approves the state's 111(d) plan, which demonstrates how Iowa will implement this regulation. The state is required to submit this plan to EPA by September 16, 1998. EPA's review of the plan could take up to six months. This change will provide facilities more time to comply with the regulation. Designated facilities planning to shutdown an existing HMIWI must do so within one year of approval of the state plan. However, those planning to shutdown may request an extension from the Department to operate for two additional years.

Table 1. Compliance Schedule for Existing HMIWI

Event	Compliance Dates (from EPA's approval of the state's 111(d) plan)
Submit construction permit application to the Department.	Within 1 year
Meet operator training and qualification requirements.	Within 1 year
Conduct initial inspection; inspections annually thereafter for remote HMIWI.	Within 1 year; annually
Award contracts for control systems or process modifications, or orders for purchase of components.	Within 18 months
Initiate on-site construction or installation of the air pollution control device(s) or process changes.	Within 2 years
Complete on-site construction or installation of air pollution control device(s) or process changes.	Within 33 months
Complete initial compliance test on air pollution control equipment and submit Waste Management Plan.	Within 34 months
Final compliance.	Within 3 years, but not later than September 16, 2002

Table 2 outlines the status of federal incinerator and combustor standards. Only one standard, 40 CFR Part 60, Subpart Ea, had been adopted by reference in the *Iowa Administrative Code*. The Department submitted negative declarations for the municipal waste combustors (MWC) emission guidelines, because Iowa did not have any facilities that met the definition of an existing MWC. The standard for hazardous waste combustors has only been proposed at the federal level. Standards for commercial and industrial incinerators, and other solid waste incinerators have yet to be addressed federally. The other standards are included in this draft notice of intended action.

Table 2. Status of incinerator and combustor standards

Name	Federal Citation	Proposed (P)/Final(F)	State Rule
Municipal Waste Combustors NSPS	40 CFR 60, Subpart Ea	F – Feb. 11, 1991	567 IAC 23.1(2) “nnn”
Municipal Waste Combustors NSPS	40 CFR 60, Subpart Eb	F – Dec. 19, 1995	Rule making
Municipal Waste Combustors EG	40 CFR 60, Subpart Ca	F – Feb. 11, 1991	Neg. Declaration
Municipal Waste Combustors EG	40 CFR 60, Subpart Cb	F – Dec. 19, 1995	Neg. Declaration
HMIWI NSPS	40 CFR 60, Subpart Ec	F – Sept. 15, 1997	Rule making
HMIWI EG	40 CFR 60, Subpart Ce	F – Sept. 15, 1997	Rule making
Hazardous Waste Combustors	40 CFR 63, Subpart EEE	P – April 19, 1996	None
Commercial and Industrial Incinerators	None	None	None
Other Solid Waste Incinerators	None	None	None

**ENVIRONMENTAL PROTECTION COMMISSION [567]
Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, “Controlling Pollution,” Chapter 23, “Emission Standards for Contaminants,” and Chapter 25, “Measurement of Emissions,” Iowa Administrative Code.

The purpose of this rule making is to approve state regulations for existing hospital/medical/infectious waste incinerators (HMIWI), adopt by reference and make corrections to the NSPS for HMIWI and municipal waste combustors (MWC), and update adoption by reference citations. The department has established that there are sources in the state subject to these requirements. In accord with the delegation agreements previously entered into with EPA, the department herein considers accepting delegation of these standards. The standards are no more stringent than those specified in the federal regulations.

On September 15, 1997, the U.S. Environmental Protection Agency (EPA) issued regulations that will affect new and existing incinerators that burn hospital, medical, and/or infectious waste, as 40 CFR Part 60 Subpart Ec and Ce. The new regulations require organizations (hospitals/ health care facilities, veterinarians, crematoriums, research labs, and commercial facilities) with these incinerators to reduce emissions of certain pollutants, which are known to have a negative affect on both public health and welfare. The regulations aim to reduce the emissions from these incinerators by 75 to 98 percent.

Item 1 adds reference to emission guidelines, so that equipment and/or control equipment that were required as a result of a specific emission guideline could not be classified as an exemption from construction permitting.

Item 2 amends the date for 40 CFR Part 60 to correspond with the federal promulgation of the NSPS and EG for hospital/medical/infectious waste incinerators. The IAC citation for emission guidelines was added to defer some applicable sources from Title V operating permit. No substantive changes have been made.

Item 3 amends the date for 40 CFR Part 60 to correspond with the federal promulgation of the NSPS for hospital/medical/infectious waste incinerators.

Item 4 adopts by reference the federal standards of performance for new stationary sources for municipal waste combustor with a capacity greater than 35 megagrams per day of municipal solid waste, that commenced construction after September 20, 1994 or modification or reconstruction after June 19, 1996; and hospital/medical/infectious waste incinerators, that commenced construction after June 20, 1996 or modification after March 16, 1998.

Item 5 revises the adoption by reference of the federal standards of performance for new stationary sources for municipal waste combustor with a capacity greater than 225 megagrams per day of municipal solid waste.

Item 6 amends the date for 40 CFR Part 60 to correspond with the federal promulgation of the EG for hospital/medical/infectious waste incinerators.

Item 7 adds the emission guidelines and compliance schedule for hospital/medical/infectious waste incinerators that commenced construction on or before June 20, 1996. Table 1 outlines the compliance schedule for designated facilities with an existing HMIWI planning to retrofit their equipment. The compliance schedule consists of floating compliance dates based on the date EPA approves the state's 111(d) plan, which demonstrates how Iowa will implement this regulation. The state is required to submit this plan to EPA by September 16, 1998. Designated facilities planning to shutdown an existing HMIWI must do so within one year of EPA's approval of the state's 111(d) plan.

Table 1. Compliance Schedule for Existing HMIWI

Event	Compliance Dates (from EPA's approval of the state's 111(d) plan)
Submit construction permit application to the Department.	Within 1 year
Meet operator training and qualification requirements.	Within 1 year
Conduct initial inspection; inspections annually thereafter for remote HMIWI.	Within 1 year; annually
Award contracts for control systems or process modifications, or orders for purchase of components.	Within 18 months
Initiate on-site construction or installation of the air pollution control device(s) or process changes.	Within 2 years

Event	Compliance Dates (from EPA's approval of the state's 111(d) plan)
Complete on-site construction or installation of air pollution control device(s) or process changes.	Within 33 months
Complete initial compliance test on air pollution control equipment and submit Waste Management Plan.	Within 34 months
Final compliance.	Within 3 years, but not later than September 16, 2002

Item 8 amends the date for 40 CFR Part 60 to correspond with the federal promulgation of the NSPS and EG for hospital/medical/infectious waste incinerators. No substantive changes have been made.

Table 2 outlines the status of federal incinerator and combustor standards. Only one standard, 40 CFR Part 60, Subpart Ea, had been adopted by reference in the *Iowa Administrative Code*. The department submitted negative declarations for the municipal waste combustors (MWC) emission guidelines, because Iowa did not have any facilities that met the definition of an existing MWC. The standard for hazardous waste combustors has only been proposed at the federal level. Standards for commercial and industrial incinerators, and other solid waste incinerators have not been addressed at the federal level. The other standards are included in this notice of intended action.

Table 2. Status of incinerator and combustor standards

Name	Federal Citation	Proposed/Final	State Rule
Municipal Waste Combustors NSPS	40 CFR 60, Subpart Ea	F – Feb. 11, 1991	567 IAC 23.1(2) “nnn”
Municipal Waste Combustors NSPS	40 CFR 60, Subpart Eb	F – Dec. 19, 1995	Rule making
Municipal Waste Combustors EG	40 CFR 60, Subpart Ca	F – Feb. 11, 1991	Neg. Declaration
Municipal Waste Combustors EG	40 CFR 60, Subpart Cb	F – Dec. 19, 1995	Neg. Declaration
HMIWI NSPS	40 CFR 60, Subpart Ec	F – Sept. 15, 1997	Rule making
HMIWI EG	40 CFR 60, Subpart Ce	F – Sept. 15, 1997	Rule making
Hazardous Waste Combustors	40 CFR 63, Subpart EEE	P – April 19, 1996	None
Commercial and Industrial Incinerators	None	None	None
Other Solid Waste Incinerators	None	None	None

Any person may make written suggestions or comments on the proposed rules on or before May 25, 1998. Written comments should be directed to Scott Vander Hart, Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, Iowa 50322, fax (515) 242-5094, or by electronic mail to svander@max.state.ia.us.

A public hearing will be held on May 25, 1998 at 1 p.m. in East Conference Room, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, IA, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility should contact the Department of Natural Resources to advise the Department of any specific needs.

These amendments may impact small business.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

ITEM 1. Amend Subrule 22.1(2) as follows:

22.1(2) Exemptions. The provisions of this rule shall not apply to the following listed equipment or control equipment unless review of the equipment or the control equipment is necessary to comply with rule 22.4(455B), prevention of significant deterioration requirements; rule 22.5(455B), special requirements for nonattainment areas; 567—subrule 23.1(2), new source performance standards (40 CFR Part 60 NSPS); 567—subrule 23.1(3), emission standards for hazardous air pollutants (40 CFR Part 61 NESHAP); ~~or~~ 567—subrule 23.1(4), emission standards for hazardous air pollutants for source categories (40 CFR Part 63 NESHAP); or 567—subrule 23.1(5), emission guidelines, in which case a permit must be obtained. If equipment is permitted under the provisions of rule 22.8(455B), then no other exemptions shall apply to that equipment.

ITEM 2. Amend subrule 22.101(2) as follows:

22.101(2) Title V deferred stationary sources. The requirement to obtain a Title V permit is deferred for all sources listed in 22.101(1) that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Act, until December 9, 1999, unless by the final promulgation of a federal standard to which the source is subject under the provisions of 40 CFR Part 60 (as amended through ~~June 12, 1997~~ September 15, 1997), ~~or~~ 40 CFR Part 63 (as amended through August 11, 1997), or 567—subrule 23.1(5), a source is required to obtain a Title V permit. Standards promulgated after July 21, 1992 under Section 111 or Section 112 of the Clean Air Act require sources to obtain a Title V permit unless the standard exempts or allows the Director to defer the source category from Title V permit requirements. Each source receiving a deferral under the provisions of this rule shall submit a Title V permit application to the department within 12 months of the date when the requirement to obtain a Title V permit is no longer deferred for that source.

ITEM 3. Amend Subrule 23.1(2) as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~June 12, 1997~~September 15, 1997, and 40 CFR Part 503 as adopted on October 25, 1995, are adopted by reference, except §60.530 through §60.539b, and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

ITEM 4. Further amend Subrule 23.1(2) by adding the following new paragraphs:

sss. Municipal waste combustors. Unless exempted, a municipal waste combustor with a capacity greater than 35 megagrams per day of municipal solid waste for which construction is completed after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996. (Subpart Eb)

ttt. Hospital/medical/infectious waste incinerators. Unless exempted, a hospital/medical/infectious waste incinerator for which construction is commenced after June 20, 1996 or for which modification is commenced after March 16, 1998. (Subpart Ec)

ITEM 5. Amend Paragraph 23.1(2) "nnn," as follows:

nnn. Municipal waste combustors. Unless exempted, a municipal waste combustor with a capacity greater than ~~250 tons~~ 225 megagrams per day of municipal solid waste ~~or refuse derived fuel~~ for which construction, ~~modification, or reconstruction~~ is commenced after December 20, 1989 and on or before September 20, 1994, and modification or reconstruction is commenced after December 20, 1989 and on or before June 19, 1996. (Subpart Ea)

ITEM 6. Amend subrule 23.1(5), introductory paragraph and paragraph "a," as follows:

23.1(5) Emission guidelines. The emission guidelines and compliance times for existing sources, as defined in 40 Code of Federal Regulations Part 60 as amended through ~~June 12, 1997~~September 15, 1997, shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. The control of the designated pollutants will be in accordance with federal standards established in Sections 111 and 129 of the Act and 40 CFR Part 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities), and the applicable subpart(s) for the existing source. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

ITEM 7. Amend Subrule 23.1(5) by adding the following new paragraph "b":

b. Emission guidelines for hospital/medical/infectious waste incinerators (Subpart Ce). This paragraph contains emission guidelines and compliance times for the control of certain designated pollutants from hospital/medical/infectious waste incinerator(s) (HMIWI) in accordance with Subparts Ce and Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators) of 40 CFR Part 60.

(1) Definitions. For the purpose of paragraph 23.1(5) "b," the definitions have the same meaning given to them in the Act and 40 CFR Part 60, Subparts A, B, and Ec, if not defined in this subparagraph.

"Hospital/medical/infectious waste incinerator" or *"HMIWT"* means any device that combusts any amount of hospital waste and/or medical/infectious waste.

"Hospital waste" means discards generated at a hospital, except unused items returned to the manufacturer. The definition of hospital waste does not include human corpses, remains, and anatomical parts that are intended for interment or cremation.

"Large HMIWT" means:

1. An HMIWT whose maximum design waste burning capacity is more than 500 pounds per hour; or
2. A continuous or intermittent HMIWT whose maximum charge rate is more than 500 pounds per hour; or
3. A batch HMIWT whose maximum charge rate is more than 4,000 pounds per day.

"Medical/infectious waste" means any waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals that is listed in paragraphs 1 through 7 of this definition. The definition of medical/infectious waste does not include hazardous waste identified or listed under the regulations in 40 CFR Part 261; household waste, as defined in 40 CFR Sec. 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains, and anatomical parts that are intended for intermentation; and domestic sewage materials identified in 40 CFR Sec. 261.4(a)(1).

1. Cultures and stocks of infectious agents and associated biologicals, including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals; discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures.

2. Human pathological waste, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers.

3. Human blood and blood products including: liquid waste human blood, products of blood, items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals. Intravenous bags are also include in this category.

4. Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips.

5. Animal waste including contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals.

6. Isolation wastes including biological waste and discarded materials contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

7. Unused sharps including the following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

"Medium HMIWT" means:

1. An HMIWI whose maximum design waste burning capacity is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

2. A continuous or intermittent HMIWI whose maximum charge rate is more than 200 pounds per hour but less than or equal to 500 pounds per hour; or

3. A batch HMIWI whose maximum charge rate is more than 1,600 pounds per day but less than or equal to 4,000 pounds per day.

"Remote HMIWT" means:

A Small HMIWI meeting the following conditions:

1. 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area.

2. Burns less than 2,000 lb/week of hospital waste and medical/infectious waste.

"Small HMIWT" means:

1. An HMIWI whose maximum design waste burning capacity is less than or equal to 200 pounds per hour; or

2. A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 pounds per hour; or

3. A batch HMIWI whose maximum charge rate is less than or equal to 1,600 pounds per day.

"Standard Metropolitan Statistical Area" or *"SMSA"* means any areas listed in OMB Bulletin No. 93-17 entitled "Revised Statistical Definitions for Metropolitan Areas" dated June 30, 1993. The following SMSAs are in Iowa or within 50 miles of Iowa border: Cedar Rapids (Linn County, IA), Davenport-Moline-Rock Island (Henry County, IL; Rock Island County, IL; Scott County, IA), Des Moines (Dallas County, Polk County, Warren County), Dubuque (Dubuque County), Iowa City (Johnson County), La Crosse (Houston County, MN; La Crosse County, WI), Omaha-Council Bluffs (Cass County, NE; Douglas County, NE; Pottawattamie County, IA; Sarpy County, NE; Washington County, NE), Rochester (Olmsted County, MN), St. Joseph (Andrew County, MO; Buchanan County, MO), Sioux City (Dakota County, NE; Woodbury County, IA), Sioux Falls (Lincoln County, SD; Minnehaha County, SD), and Waterloo-Cedar Falls (Black Hawk County).

(2) Designated facilities.

1. Except as provided in paragraphs 2 through 8 of this subparagraph, the designated facility to which the guidelines apply is each individual HMIWI for which construction was commenced on or before June 20, 1996.

2. A combustor is not subject to this subpart during periods when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste (defined in 40 CFR Sec. 60.51c) is burned, provided the owner or operator of the combustor does the following: notifies the Director of an exemption claim, and keeps records on a calendar quarter basis of the periods of time when only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste is burned.

3. Any co-fired combustor (defined in 40 CFR Sec. 60.51c) is not subject to this subpart if the owner or operator of the co-fired combustor: notifies the Director of an exemption claim; provides an estimate of the relative weight of hospital waste, medical/infectious waste, and other fuels and/or wastes to be combusted; and keeps records on a calendar quarter basis of the weight of hospital waste and medical/infectious waste combusted, and the weight of all other fuels and wastes combusted at the co-fired combustor.

4. Any combustor required to have a permit under Section 3005 of the Solid Waste Disposal Act is not subject to paragraph 23.1(5) "b."

5. Any combustor which meets the applicability requirements under subpart Cb, Ea, or Eb of 40 CFR Part 60 is not subject to paragraph 23.1(5) "b."

6. Any pyrolysis unit (defined in 40 CFR Sec. 60.51c) is not subject to paragraph 23.1(5) "b."

7. Cement kilns firing hospital waste and/or medical/infectious waste are not subject to paragraph 23.1(5) "b."

8. Physical or operational changes made to an existing HMIWI unit solely for the purpose of complying with paragraph 23.1(5) "b" are not considered a modification and do not result in an existing HMIWI becoming subject to the provisions of 40 CFR Part 60, Subpart Ec.

9. Designated facilities subject to paragraph 23.1(5) "b" must apply for an operating permit as required by 567—subrule 22.101(1) no later than September 15, 2000.

(3) Emission limits.

1. A HMIWI must not exceed the emission limits for each pollutant listed in Table 1, except as provided for in paragraph 2 of subparagraph 23.1(5) "b"(3).

2. A remote HMIWI must not exceed the emission limits for each pollutant listed in Table 2. The 2,000 lb/week limitation does not apply during performance tests.

3. On or after the date on which the initial performance test is completed or is required to be completed under 40 CFR Section 60.8, which ever comes first, no owner or operator of an affected facility shall cause any gases to be discharged into the atmosphere from the stack of the affected facility that exhibit greater than 10 percent opacity (6-minute block average).

Table 1. Emission Limits for Small, Medium, and Large HMIWI

Pollutant/Units (7 percent oxygen, dry basis)	Emission Limits for HMIWI Size		
	Small	Medium	Large
Particulate Matter			
Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	115 (0.05)	69 (0.03)	34 (0.015)
Carbon Monoxide			
Parts per million by volume	40	40	40
Dioxins/furans			
Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet), or	125 (55)	125 (55)	125 (55)
Nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	2.3 (1.0)	2.3 (1.0)	2.3 (1.0)

Pollutant/Units (7 percent oxygen, dry basis)	Emission Limits for HMIWI Size		
	Small	Medium	Large
Hydrogen chloride			
Parts per million by volume, or	100	100	100
Percent reduction	93	93	93
Sulfur dioxide			
Parts per million by volume	55	55	55
Nitrogen oxides			
Parts per million by volume	250	250	250
Lead			
Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet), or	1.2 (0.52)	1.2 (0.52)	1.2 (0.52)
Percent reduction	70	70	70
Cadmium			
Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet), or	0.16 (0.07)	0.16 (0.07)	0.16 (0.07)
Percent reduction	65	65	65
Mercury			
Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet), or	0.55 (0.24)	0.55 (0.24)	0.55 (0.24)
Percent reduction	85	85	85

Table 2. Emissions Limits for Remote HMIWI

Pollutant	Units (7 percent oxygen, dry basis)	Emission Limit
Particulate matter	Milligrams per dry standard cubic meter (grains per dry standard cubic foot)	197 (0.086)
Carbon monoxide	Parts per million by volume	40
Dioxins/furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet), or	800 (350)
	Nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	15 (6.6)
Hydrogen chloride	Parts per million by volume	3100
Sulfur dioxide	Parts per million by volume	55
Nitrogen oxides	Parts per million by volume	250
Lead	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	10 (4.4)
Cadmium	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	4 (1.7)
Mercury	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet)	7.5 (3.3)

(4) Operator training and qualification requirements.

Designated facilities shall meet the requirements for operator training and qualification listed in 40 CFR Sec. 60.53c within one year from EPA's approval of the state's 111(d) plan for HMIWI.

(5) Waste management requirements.

Designated facilities shall meet the requirements for a waste management plan listed in 40 CFR Sec. 60.55c within 34 months from EPA's approval of the state's 111(d) plan for HMIWI.

(6) Inspection requirements.

Each remote HMIWI subject to the emission limits under paragraph 2 of subparagraph 23.1(5) "b"(3) must conduct an initial equipment inspection within one year from EPA's approval of the state's 111(d) plan for HMIWI, and equipment inspections annually, no more than 12 months after the previous inspection. The facility must complete all necessary repairs within 10 operating days following an inspection. If the repairs can not be accomplished within this period, then the owner or operator must obtain written approval from the Department requesting an extension. All inspections shall include the following:

1. Inspect all burners, pilot assemblies, and pilot sensing devices for proper operation; clean pilot flame sensor, as necessary;
2. Ensure proper adjustment of primary and secondary chamber combustion air, and adjust as necessary;
3. Inspect hinges and door latches, and lubricate as necessary;
4. Inspect dampers, fans, and blowers for proper operation;
5. Inspect HMIWI door and door gaskets for proper sealing;
6. Inspect motors for proper operation;
7. Inspect primary chamber refractory lining; clean and repair/replace lining as necessary;
8. Inspect incinerator shell for corrosion and/or hot spots;
9. Inspect secondary/tertiary chamber and stack, clean as necessary;
10. Inspect mechanical loader, including limit switches, for proper operation, if applicable;
11. Visually inspect waste bed (grates), and repair/seal, as appropriate;
12. For the burn cycle that follows the inspection, document that the incinerator is operating properly and make any necessary adjustments;
13. Inspect air pollution control device(s) for proper operation, if applicable;
14. Inspect waste heat boiler systems to ensure proper operation, if applicable;
15. Inspect bypass stack components;
16. Ensure proper calibration of thermocouples, sorbent feed systems and any other monitoring equipment; and
17. Generally observe that the equipment is maintained in good operating condition.

(7) Compliance, performance testing, and monitoring requirements.

Except as provided in subparagraphs 23.1(5) "b"(8) and (9), designated facilities shall meet the requirements for compliance and performance testing listed in 40 CFR Sec. 60.56c

(excluding the fugitive emissions testing requirements under 40 CFR Sec. 60.56c(b)(12) and (c)(3)), and the requirements for monitoring listed in 40 CFR Sec. 60.57c.

(8) Compliance and performance testing for remote HMIWI.

Remote HMIWI shall meet the following compliance and performance testing requirements:

1. Conduct the performance testing requirements in 40 CFR Sec. 60.56c(a), (b)(1) through (b)(9), (b)(11) (Hg only), and (c)(1). The 2,000 lb/week limitation under paragraph 2 of subparagraph 23.1(5) "b"(3) does not apply during performance tests.

2. Establish maximum charge rate and minimum secondary chamber temperature as site-specific operating parameters during the initial performance test to determine compliance with applicable emission limits.

3. Following the date on which the initial performance test is completed or is required to be completed under 40 CFR Sec. 60.8, whichever date comes first, remote HMIWI must not operate above the maximum charge rate or below the minimum secondary chamber temperature measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the maximum charge rate or below the minimum secondary chamber temperature shall constitute a violation of the established operating parameter(s).

4. Except as provided in paragraph 5 of subparagraph 23.1(5) "b"(8), operation of the remote HMIWI above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxin/furan emission limits.

5. The owner or operator of the remote HMIWI may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph must be conducted using the identical operating parameters that indicated a violation under paragraph 4 of subparagraph 23.1(5) "b"(8).

(9) Monitoring requirements for remote HMIWI.

Remote HMIWI must meet the following monitoring requirements:

1. Install, calibrate (to manufacturers' specifications), maintain, and operate a device for measuring and recording the temperature of the secondary chamber on a continuous basis, the output of which shall be recorded, at a minimum, once every minute throughout operation.

2. Install, calibrate (to manufacturers' specifications), maintain, and operate a device which automatically measures and records the date, time, and weight of each charge fed into the HMIWI.

3. The owner or operator of a designated facility shall obtain monitoring data at all times during HMIWI operation except during periods of monitoring equipment malfunction, calibration, or repair. At a minimum, valid monitoring data shall be obtained for 75 percent of the operating hours per day and for 90 percent of the operating hours per calendar quarter that the designated facility is combusting hospital waste and/or medical/infectious waste.

(10) Reporting and recordkeeping requirements.

Designated facilities shall meet the reporting and recordkeeping requirements listed in 40 CFR Sec. 60.58c(b), (c), (d), (e), and (f), excluding 40 CFR Sec. 60.58c(b)(2)(ii) (fugitive emissions) and (b)(7) (siting), except for remote HMIWI.

(11) Reporting and recordkeeping requirements for Remote HMIWI

Remote HMIWI must meet the following reporting and recordkeeping requirements:

1. Maintain records of the annual equipment inspections, any required maintenance, and any repairs not completed within 10 days of an inspection; and
2. Submit an annual report containing information recorded under paragraph 1 of subparagraph 23.1(5) "b"(10) no later than 60 days following the year in which data were collected. Subsequent reports shall be sent no later than 12 calendar months following the previous report (once the unit is subject to permitting requirements under Title V of the Act, the owner or operator must submit these reports semiannually). The report shall be signed by the facilities manager.

(12) Compliance times for designated facilities planning to retrofit.

Designated facilities planning to retrofit existing HMIWI shall comply with the emission limits specified in subparagraph 23.1(5) "b"(3) within three years from EPA's approval of the state's 111(d) plan for HMIWI, but not later than September 16, 2002. To ensure compliance, these facilities must also comply with the following increments of progress:

1. Submit construction permit application to the Department, as required by rule 22.1(455B), to outline the addition of control equipment and the modification of existing processes within one year from EPA's approval of the state's 111(d) plan for HMIWI;
2. Award contracts for control systems or process modifications, or orders for purchase of components within 18 months from EPA's approval of the state's 111(d) plan for HMIWI;
3. Initiate on-site construction or installation of the air pollution control device(s) or process changes within two years from EPA's approval of the state's 111(d) plan for HMIWI;
4. Complete on-site construction or installation of air pollution control device(s) or process changes within 33 months from EPA's approval of the state's 111(d) plan for HMIWI; and
5. Complete initial compliance test(s) on the air pollution control equipment within 34 months from EPA's approval of the state's 111(d) plan for HMIWI.

(13) Compliance times for designated facilities planning to shutdown.

Designated facilities planning to shutdown existing HMIWI shall shut down within one year from EPA's approval of the state's 111(d) plan for HMIWI. Designated facilities may request an extension from the Department to operate the HMIWI for up to two additional years. The request for extension must be submitted to the Department within nine months from EPA's approval of the state's 111(d) plan for HMIWI., and include the following:

1. Documentation to support the need for the requested extension;
2. An evaluation of the option to transport the waste off site to a commercial medical waste treatment and disposal facility on a temporary or permanent basis; and
3. A plan that documents measurable and enforceable incremental steps of progress to be taken towards compliance with paragraph 23.1(5) "b," including final compliance date which can be no later than September 16, 2001.

ITEM 8. Amend subrule 25.1(10), paragraph "a," as follows:

- a. An affected source is subject to a new source performance standard promulgated in 40 CFR Part 60 as amended through ~~June 12, 1997~~ September 15, 1997.

Date

Larry J. Wilson, Director

Mr. Stokes stated that the federal government has recently adopted rules on air emission standards and technology based standards for hospital, medical and infectious waste incinerators and municipal waste combustors, and staff are proposing to adopt the rules at the state level. He explained the difference from the original version in change of dates and asked the Commission's approval to take the rules to public hearing.

Motion was made by Rozanne King to approve Notice of Intended Action--Chapters 22, 23 & 25, Hospital, Medical and Infectious Waste Incinerators, and Municipal Waste Combustors. Seconded by Terrance Townsend.

Brief discussion took place in regard to commercial waste incinerators, past rules and moratorium.

Vote on the motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE--CHAPTERS 22, 23, 24, 25, 28, 29 AND 31, AIR QUALITY RULE UPDATES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed amendments to Chapter 20, "Scope of Title—Definitions—Forms—Rules of Practice," Chapter 22, "Controlling Pollution," Chapter 23, "Emission Standards for Contaminants," Chapter 24, "Excess Emission," Chapter 25, "Measurement of Emissions," Chapter 28, "Ambient Air Quality Standards," Chapter 29, "Qualification in Visual Determination of the Opacity of Emissions," and Chapter 31, "Nonattainment Areas," 567 Iowa Administrative Code.

The purpose of this rule making is to update adoption by reference citations. Some adoptions by reference back-date the reference to more clearly identify the actual date of the last change made to the Code of Regulations cited. Most updates do not add any additional requirements upon the state or industry. However, one update adopts by reference the National Ambient Air Quality Standards (NAAQS) establishing new and revised particulate matter standards and revised ozone standards. The rule making also adds the federal nitrogen oxides emission reduction program to the Acid Rain Program. Emissions of nitrogen oxides emitted into the atmosphere have significant adverse effects on human health and the environment. Nitrogen oxides also

contribute to the formation ozone, fine particulate matter, acid deposition, and eutrophication of water bodies. This rule making also added various corrections to provide clarifications, remove obsolete rules, and correct internal citations.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on January 14, 1998, as IAB Vol. XX, No. 15 (1/14/98) p. 1297, ARC 7762A. A public hearing was held on February 13, 1998, the final day of the public comment period, at the Air Quality Bureau in Urbandale. Seven written comments were received. Minor changes have been made to the Notice of Intended Action as a result of comments received during the public comment period and an internal citation correction. Item 1 was added to associate the date with CFR citations to the publication date of the Federal Register. Item 29 was also added to correct an internal citation. Changes were made to Items 22, 26, and 37 to provide more clarification

(A copy of the rule and responsiveness summary is on file in the department's Records Center)

Mr. Stokes explained that rather than present the Commission with a small block of rules every month to update references to federal standards, staff held them to deal with in six-month increments. He explained that the significant changes are in Item 88, which has already been highlighted to the Commission, and proposes to adopt by reference the new federal PM2.5 standard and the new federal ozone standard. The remainder of the rule merely updates references to keep current with federal rules. He discussed the comments received during the public comment period and noted that the Commission heard comments from the Farm Bureau during Public Participation. He related that the PM2.5 standards have been adopted at the federal level and the state is adopting them by reference. Mr. Stokes noted that there has been some discussion for several months that Congress might do something to overturn those rules. He related that if Congress does overturn, or if EPA does something to change the rules and take them off the books, he would come back before the Commission with emergency rulemaking to do the same. Mr. Stokes stressed that these rules have been adopted at the federal level and are the law of the land. He noted that the impact of the rules is 4-5 years down the road as data is gathered.

Rita Venner asked if there would be any advantage to delay the rules.

Mr. Stokes responded that he can see no advantage to delay and there is no disadvantage to adoption because the department has no intention of moving more rapidly than the rules would have moved at the federal level. He added that one possible disadvantage if the state does not adopt the federal standards would be that they may extract some penalty by withholding certain grant funds.

Charlotte Mohr asked if any grant funds have ever been withheld.

Mr. Stokes replied that some funds have been withheld in the past and he just made a trip to Kansas City last week because the federal people were holding up the air grant for a different reason. He related that the department ultimately receives the grant but the state sometimes has to forward funds from state dollars.

Chairman Ehm asked what the industry group thought about the rule changes.

Mr. Stokes stated that the department provided copies of the rules to the business and industry community and the Client Contact Group, and the group felt that they have to live by them because they are the federal rules. He noted that he had not heard any adverse comments or concerns until during the Public Participation period earlier today.

Further discussion centered on the timetable for implementation; monitoring to gather the data; and possibly delaying adoption of the rules for six months.

Motion was made by Terrance Townsend to approve Final Rule--Chapters 20, 22, 23, 24, 25, 28, 29 and 31, Air Quality Rule Updates as presented, and if a change is needed later it can come back before the Commission at that time. Seconded by Kathryn Murphy.

Rita Venner stated that she will vote against the motion because she thinks more data is needed on the PM2.5 issue, and by approving it the Commission would actually be condoning the rules.

Charlotte Mohr noted that she would feel more comfortable with eliminating Item 88 and approving the remainder of the rule.

Rozanne King asked if the department will continue to monitor and record the data even if the standards are not adopted.

Mr. Stokes replied that the PM2.5 monitoring network will be put out and there are 25 monitors targeted, adding that monitoring will be done no matter what the Commission does relative to the rules.

Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners Murphy, Townsend, and Ehm. "Nay" vote was cast by Commissioners Venner, Giannetto, King, McWilliams, Mohr, and Priebe. Motion failed on a vote of 3-Aye to 6-Nay.

MOTION FAILED

Motion was made by Gary Priebe to approve Final Rule--Chapters 20, 22, 23, 24, 25, 28, 29 and 31, Air Quality Rules Update with the deletion of Item 88 (PM2.5 ozone standards). Seconded by Rita Venner.

Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners Giannetto, King, McWilliams, Mohr, Priebe, Townsend, Venner, and Ehm. "Nay" vote was cast by Commissioner Murphy. Motion carried on a vote of 8-Aye to 1-Nay.

APPROVED WITH DELETION OF ITEM 88

NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT, ADW USER ASSISTANCE

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a one-year contract for \$144,596 with the Iowa Department of Agriculture and Land Stewardship, Division of Soil Conservation (DSC) for the ADW User Assistance Project. This is an ongoing project designed to protect and improve groundwater quality in a multi-county area by providing information on actions which can reduce groundwater pollution associated with agricultural-drainage wells (ADWs), assisting landowners in implementing nutrient and pest management practices in ADW areas, and encouraging voluntary ADW closure where alternate outlets are available. In addition to continuing these activities, this project will also provide landowners and farm operators with information and assistance relative to SF473, including closure of surface water intakes, cistern renovation, and development of permit applications for continued use of ADWs.

Contract funds will be used to support project staff (1.5 FTE) plus crop consultants who will assist ADW users in developing and implementing nutrient and pest management plans. In addition, funding will support activities to inform and assist landowners in complying with the requirements of SF473.

The contract will be funded using FFY97 EPA Section 319 funds provided to the Department for this project.

Mr. Stokes explained details of the contract.

Rozanne King asked if it has been determined what it will cost a landowner to close one of these ag drainage wells.

Mr. Stokes stated that he does not know if anyone has established a benchmark cost and the landowner will have to do some cost share.

Charlotte Mohr asked if this will be an annual request.

Mr. Stokes replied that he would anticipate seeing a request for funding of the program for the next 3-4 years.

Motion was made by Charlotte Mohr to approve the Nonpoint Source Pollution Control Project Contract for ADW User Assistance. Seconded by Gary Priebe. Following brief discussion the motion carried unanimously.

APPROVED AS PRESENTED

Chairman Ehm requested that staff present a recap of the whole Section 319 program and how it works, at a future meeting.

STATE REVOLVING FUND - INTENDED USE PLAN (DRINKING WATER) - 1997-1998

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department will provide the Environmental Protection Commission with the draft Intended Use Plan for fiscal year 1997 and 1998 revolving fund loan assistance for drinking water infrastructure improvements.

Section 1452 of the Safe Drinking Water Act authorizes the U.S. Environmental Protection Agency (EPA) to establish a State Revolving Loan Fund for drinking water-related projects to assist water systems to finance the costs of infrastructure needs and to maintain compliance with SDWA. Authorizing legislation to set up this fund in Iowa was approved in March, 1997, and Departmental SRF rules became effective in January, 1998.

The FY 1997-1998 Intended Use Plan includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for the 1997-1998 combined capitalization grant funds. Opportunity for public input is required by EPA. The IUP is the initial step in preparing a grant request for federal funds for the drinking water SRF.

Eighty-nine (89) applications have been received to date for placement on the project priority list, and the highest scoring applications will be included on the proposed list for assistance. At the next EPC meeting, a public hearing will be requested to be scheduled at the earliest practicable time. Notices will be sent to all cities and interested persons or groups. A proposed final IUP will be presented to the commission for approval following the hearing and consideration of any comments or additional applications received.

Mr. Stokes reviewed the plan noting that 89 systems applied and loans will be offered to 20 of them.

Brief discussion followed.

INFORMATIONAL ONLY

STATE REVOLVING FUND - INTENDED USE PLAN (WASTEWATER) - 1998

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Department requests Commission authorization to hold a public hearing on the proposed State Revolving Fund Intended Use Plan for the State of Iowa, for fiscal year 1998 revolving fund loan assistance for wastewater treatment construction.

The draft Intended Use Plan will be presented to the commission at its meeting. The FY 1998 Intended Use Plan includes the list of projects proposed to receive loan assistance through the state revolving fund with money available for 1998 as well as uncommitted previous years funds. Opportunity for public input is required by EPA. The IUP is the initial step in preparing a grant request for federal funds for the SRF.

All applications received to date have been included on the proposed list for assistance. If approved, a hearing would be scheduled at the earliest practicable time. Notices will be sent to all cities and interested persons or groups. A proposed final IUP will be presented to the commission for approval following the hearing and consideration of any comments or additional applications received.

(A copy of the Intended Use Plan is on file in the department's Records Center)

Mr. Stokes reviewed the plan for wastewater treatment construction assistance.

Motion was made by Rozanne King for approval of the State Revolving Fund Intended Use Plan for Wastewater - FY 1998. Seconded by Terrance Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Farmers Hybrid Companies, Inc. (Poweshiek County) - water pollution

Farmers Hybrid Companies, Inc.

Mr. Murphy stated that this case involves a farrowing operation near Deep River, in Poweshiek County. He noted that on Saturday, October 18, 1997, the department received a report on the spill line of a manure leakage into the North English River in Poweshiek County. He related that the department verified that the wastes were overflowing the second cell of a three cell earthen waste lagoon system. He said there is some lack of clarity on just what caused the incident as excess wastes were flowing into cell #2 and there was an overflow crossover pipe to the third cell that was plugged by design; it was constructed in such a way it allowed the wastes to go up and over the lagoon dike rather than into the third cell. The company, after the fact, reported that it was due to a broken pipe in the crossover system from cell #1 to cell #2, adding that may be the cause. Mr. Murphy noted that it is unclear how long the discharge had gone on, and staff are asserting only one day of discharge at this time, subject to further investigation of the facts by the Attorney General. Upon inspection there was noted a pinkish color to the stream. He added that upstream and downstream samples show the impact on the stream with a marked elevation in ??? loadings, but there were no dead or live fish seen in the stream. Mr. Murphy stated that on October 20, the DNR inspector found that all three lagoon cells were too full and the freeboard requirements were not being met. He circulated photos of the area. Mr. Murphy stated that, in 1986, FHC changed their feeding operation to increase the capacity and failed to get permits to do that.

Dr. Olin Andrews

Dr. Olin Andrews, Clive, President and CEO of Farmers Hybrid Companies distributed copies of his presentation to the Commission. He presented a history and overview of FHC. He related that FHC has experienced dramatically lower sales and losses because of the publicity put out on this spill. He noted that the penalty of the market place is more severe than any penalty that could be imposed on him. Dr. Andrews displayed a chart showing the layout of the farm and related lagoons and explained changes made when adding lagoons as storage ponds. He pointed out the elbow on the drainage pipe going into lagoon 2 and related that was where the pipe broke and caused lagoon 2 to overflow. He stated that there was no freeboard violation on any of the lagoons prior to October 18. He circulated a photo of a post in the lagoon and noted that when the water reaches the top of the post there is a 3-foot freeboard left. He related that the photo showed the water line is well below the line on the post. Dr. Andrews stated that the only reason FHC violated freeboard in lagoons 2 & 3 was to stop the overflow. He added that he does not deny a discharge of manure but does deny any freeboard violations prior to the accident. He added that he does not deny failure to obtain construction permits but noted that there are unresolved extenuating circumstances and the new construction did not increase the animal wasteload beyond the capability of the manure handling system to safely handle the manure. Dr. Andrews said he made efforts through environmental audits to be sure the facility was environmentally correct. He told what steps he has taken in regard to correcting the discharge, such as installing a new cut off valve, implementing a daily inspection procedure, developed an MMP, and continues to cooperate with DNR. In conclusion, he asked the Commission to return the case to staff to be handled administratively.

Brief discussion followed in regard to the weight and number of pigs at this site and when they are shipped out to another site.

Mr. Murphy stated that staff are asking for referral to the Attorney General because of the history of FHC, noting there were previous violations in 1993, and several in 1994 and 1995 at different locations for this same company. He related that between 1993 and 1995 staff worked out three of five different violations administratively. Mr. Murphy explained that in light of the actual pollution that occurred in this case and the history, and to be consistent with other producers as far as how staff progressively take enforcement action, that this matter should be referred.

Dr. Andrews stated that he did not come today to defend past violations and most of these problems occurred at different facilities under different situations.

Dean McWilliams asked why FHC did not get a permit.

Mr. Murphy stated that at that time the department did not inspect these facilities regularly and only did it on a complaint basis. He pointed out that it is up to the facility to check on whether they need a permit when doing construction.

Dr. Andrews stated that when the environmental audit was done he was not told a construction permit was needed.

Chairman Ehm commented that in this day and age anyone who is feeding that large amount of livestock certainly knows they need to be permitted in the state of Iowa. And to not have a permit, whether it was oversight at one point in time or not, seems at the very least to be improper.

Gary Priebe asked if there is any way to verify there was not a proper amount of freeboard. Mr. Murphy stated that DNR inspectors were there on Saturday and felt there was inadequate freeboard, and on Monday it appeared there were freeboard violations in all three of the cells. He noted that the inspector never saw the measuring post before, adding that it might have been covered up.

Gary Priebe stated that another concern is how does one address whether it is a true accident or actual neglect.

Mr. Murphy stated that in water pollution cases there does not have to be negligence or intent for it to be a violation.

Motion was made by Kathryn Murphy for referral to the Attorney General. Seconded by Rozanne King. Following brief discussion the motion carried unanimously.

REFERRED

FINAL RULE--CHAPTER 49, 60, 64 AND 69, NONPUBLIC WATER WELL CONSTRUCTION AND PRIVATE SEWER SYSTEM CONSTRUCTION STANDARDS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Environmental Protection Commission is requested to approve the proposed Chapter 49 dealing with construction standards for nonpublic water wells and Chapter 69 dealing with construction standards for private sewage treatment systems. The Department worked with the Iowa Groundwater, Water Well, and Environmental Health Associations in redrafting the private water well rules. Also, the Department worked with a committee consisting of legislators, county supervisors, private contractors, septic tank manufacturers, and the Iowa Environmental Health Association developing the proposed changes to the individual wastewater treatment system rules. The initial significant proposed updates and changes include:

Chapter 49, "Nonpublic Water Supply Wells" (name altered to be more descriptive)

- Definitions of agricultural terms were added to make separation distances consistent with Chapter 65.
- Definitions were modified to make them easier to understand and consistent with other rules.
- Requirements for casing depth, grouting depth, and annular space are more precisely defined.
- Augured wells must now use "buried slab" type construction.
- Well casing specifications are clarified and expanded to allow for the use of plastic well casing.
- Heavy drilling fluid has been disallowed as a grout material and methods for placing grout clarified.
- Added a section on the construction of closed-loop ground-source heat pump wells.

Revise Chapter 60 and 64 to provide for a general NPDES wastewater discharge permit covering on-site wastewater systems as an alternative to the requirement for individual NPDES permits for on-site systems.

Chapter 69, "On-Site Wastewater Treatment and Disposal Systems"

- Definitions were added to make the rule easier to understand and consistent with other rules.
- The general regulations were modified to clarify applicability.
- Minimum septic tank size was increased to 1000 gallon.
- Some changes were made in septic tank material and construction specifications.
- Professional soil analysis may now be substituted for percolation testing.
- Lateral field sizing criteria were modified for some applications and simplified.
- Sand filter specifications have been changed to expand design options and make them less restrictive.
- Sections were added to allow for new technology (i.e. chamber systems, wetlands, and drip irrigation).
- Table added to provide guidelines for estimating non-residential and commercial domestic waste flows.

These rules were filed as a Notice of Intended Action and six public hearings were held to receive final public input to these new procedures. Oral comments from 41 individuals and written comments from 16 individuals or groups were received during the public comment period. In addition, 11 people participated in the public hearings without making specific comments. The attached responsiveness summary addresses all written and oral comments. Significant changes proposed based upon comments received:

Chapter 49, "Nonpublic Water Supply Wells"

- Adding a definition and material specifications for well liners.
- Expand options for shock chlorination of wells.

Chapter 64, "Wastewater Construction and Operation Permits"

- Additional references to the NPDES general permit.

Chapter 69, "On-Site Wastewater Treatment and Disposal Systems"

- Remove references to soil types related to percolation rate and define who may do soil analysis.
- Reduce distance required for connection to a public system.
- Added advisory statements on possible technology changes for new technology alternatives.
- Effluent testing frequency of mechanical/aerobic systems was decreased from three times a year to twice a year.

(A copy of the rule and responsiveness summary is on file in the department's Records Center)

Mr. Stokes reported that over the lunch hour he spoke with the two women who addressed the Commission about 69.1(3)a(1) during Public Participation. He related that the language in the rule was built in as a result of the comments received on the original language. He noted that staff attempted to put some definition on what is a reasonable level, and the rest of the language in sub. 1 is language that is taken out of the state plumbing code. He related that the two women now understand the rules. He reviewed that one of the women has concerns with having just installed a new septic system and the possibility of having to abandon it and hook on to a city sewer system. Mr. Stokes noted that the language has been on the books for years.

Rozanne King asked if there is an appeal process for people.

Mr. Stokes replied that there is not an appeal process before the Commission.

Charlotte Mohr commented that, in Scott County, this type of appeal comes before the Board of Health.

Mr. Stokes explained that on Page 35, under 69.9(1)a, it should read "Intermittent sand filters may be used" rather than "shall be used." Also, on Page 38, under 69.10(1), the words "full sized" should be inserted before the words "soil absorption system" at the end of the sentence. He asked the Commission to adopt the rules with these corrections.

Gary Priebe stated that he has a real problem when a person is forced to hook on to a city water system.

Motion was by Terrance Townsend to approve Final Rule--Chapter 49, 60, 64, and 69, Nonpublic Water Well Construction and Private Sewer System Construction Standards. Seconded by Rozanne King.

Chairman Ehm requested a roll call vote. "Aye" vote was cast by Commissioners McWilliams, Mohr, Murphy, Townsend, Venner, Giannetto, King, and Ehm. "Nay" vote was cast by Commissioner Priebe. Motion carried on a vote of 8-Aye to 1-Nay.

APPROVED AS PRESENTED

PROPOSED CONTESTED CASE DECISION - SALE-R-VILLA CONSTRUCTION, INC.

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 19, 1995, the department issued Administrative Order No. 95-AQ-06 to Sale-R-Villa construction, Inc. That action required the party to cease violation of asbestos NESHAP regulations and to pay a penalty of \$10,000. That action was appealed by Sale-R-Villa, and the matter proceeded to administrative hearing on January 23, 1998. The Administrative Law Judge issued the attached Proposed Decision on February 20, 1998. The decision affirmed the Order, with the exception of reducing the penalty to \$7,000.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case involving asbestos violations.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

ALJ DECISION UPHELD

LEGISLATION REPORT

Don Paulin, Deputy Director, reviewed the status of the following bills of interest to the department.

- Appropriation Bill - has cleared the Senate, is in the House and is in pretty good order.

- Environmental Audit Bill - passed the House and is waiting action in the Senate
- State Purchasing Bill - the state must give preference to the purchase of hydraulic fluids that are biodegradable
- Cement Kiln Dust - will be exempted from a tonnage fee - has passed the Senate
- 2 Landfill Bills - dealing with the amount of tonnage fee that the locals can retain
- 2 Livestock Bills (that have environmental impact) - HF 2494 passed out of the House and is in Senate Ag Committee now
- Waste Oil Filters - would allow insurance premium discount to those who pay in to the UST Insurance Fund if they accept waste oil filters - has passed the Senate
- Repeal Pollution Hotline and Fertilizer/Pesticide Rules Requirement - bill failed to make it out of the House
- Waste Tire Bill - is to be debated in the House today
- D.M. Water Works Water Aquifer Storage & Recovery Bill - passed the House
- Surface and Groundwater Monitoring - is still in the Senate

INFORMATIONAL ONLY

GENERAL DISCUSSION

Dean McWilliams asked for further discussion on the Teri Schlutz appeal.

Director Wilson stated that the issue is between the NRCS and the COE, and involves 50 acres of wetland timber in Louisa County. He related that it is his understanding that the NRCS has classified it as a non-wetland, and the COE said it is a wetland, and those two federal agencies have yet to make a ruling on whether or not it is a wetland. Director Wilson noted that the DNR's Fish and Wildlife staff visited the site and said it is a wetland according to their knowledge. He stated that it is between the NRCS and the COE to make the determination whether it is a wetland or not. He added that if it is a wetland there will have to be a 401 certification and mitigation for that. He related that 46 acres would have to be mitigated.

Terrance Townsend commented that Ms. Schlutz is requesting the department to waive the 401 certification and asked if anyone is going to respond to that.

Mr. Stokes stated that staff have already responded to her from the standpoint that if the COE decides it is not a wetland then the whole matter is moot because she would not need a 404 permit, and would also not need a 401 permit. If the COE says it is a wetland the only way she will get a 401 certification is to do some mitigation.

Director Wilson commented that she was asking in her letter for the department to waive any mitigation requirements and the department will not do that.

Chairman Ehm asked if the Commission needs to respond to her presentation today.

Mr. Stokes replied that some sort of response would be appropriate.

Terrance Townsend asked if in the future staff could give a presentation on the successes and failures of the Landfill Alternatives Financial Assistance grant recipients over the years.

Rozanne King asked about the status of the Washburn Sewer project.

Al Stokes stated that the wetland plans and the design are in and are under review, and EPA is reviewing the wetland plans.

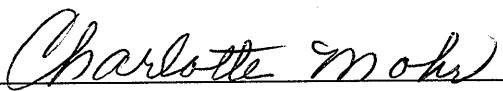
Chairman Ehm asked about the status of the Pocahontas County ag drainage well issue.

Director Wilson reported that Congressman Latham spoke with Governor Branstad, and he (Mr. Wilson) later spoke with Scott McCoy from Congressman Latham's staff on this issue. Director Wilson noted that it involves a 150-acre piece of property, and through some ADW closures there will be some different types of drains put in and there will be some impacts on wetlands. He related that the drainage district will have to mitigate some of that and the comments the Commission heard several months ago was that the department was going to require one-to-one mitigation. He emphasized that the department's position is clear that one-to-one mitigation will not be required on farmed wetlands. Director Wilson stated that the way the issue currently sits is that the drainage district needs to get with DNR and DALs, who has the lead on it because they have the dollars for the well closing program. The Fish and Wildlife Division staff have offered that the drainage district could join the department and put some money in for acquisition or betterment of one of the wetlands to offset their mitigation, which will be less than the one-to-one requirement. The DNR, DALs and Drainage District will need to meet and arrive at what the mitigation threshold will be. Director Wilson noted that he understands there is a landowner in that immediate area who was considering offering some of his land for a mitigation site. He related that there is a Petition for Rulemaking from the county, addressing the mitigation issue, which will come before the Commission next month. The Commission will need to decide whether to proceed with rulemaking or to deny the Petition for Rulemaking.

Following further discussion of the issue, Chairman Ehm asked if it has been relayed to the drainage district what the department would agree to. Director Wilson related that he has told Jim Guilliford of DALs what the department would do and he assumes Jim would have relayed it to the other parties. He noted that Mary Boote, Governor's Office, also phoned him on this issue and he told both Mary Boote and Congressman Latham's Office what the department would do and that if the drainage district is interested in pursuing it they need to get together with the others and discuss it.

Chairman Ehm asked if a letter could be sent from the department to the drainage district stating what the DNR is willing to do and that they are willing to discuss the situation. Director Wilson noted that he will send a letter.

Discussion took place regarding the expiration terms for the Commissioner's appointments and whether there is a limit on how many terms can be served.


Charlotte Mohr, Secretary

Gary Priebe reiterated that pertaining to the Farmers Hybrid Co. spill he still has a problem with fining someone as severely if it was a total accident as if it was neglect. He asked if there needs to be a discussion on the issue of fines when it is an accident.

Terrance Townsend remarked that perhaps proper management would have caught the problem sooner or would have made them aware of it.

Discussion followed regarding best management practices, a properly designed and permitted lagoon, weed problems in the area, neglect or mismanagement, and accidents that occur.

Mr. Stokes noted that staff review the history, severity, and many other aspects of each case and does not bring a case unless they think it warrants referral.

NEXT MEETING DATES

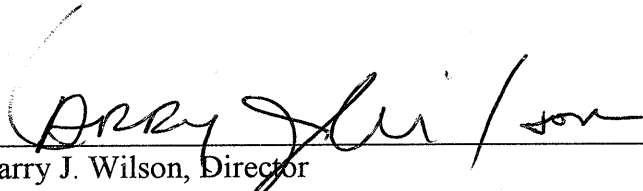
April 20, 1998

May 18, 1998

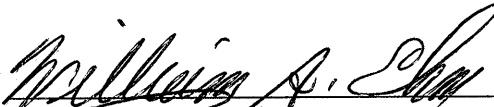
June 15, 1998

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 2:50 p.m., Monday, March 16, 1998.



Larry J. Wilson, Director



William Ehm, Chair

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